

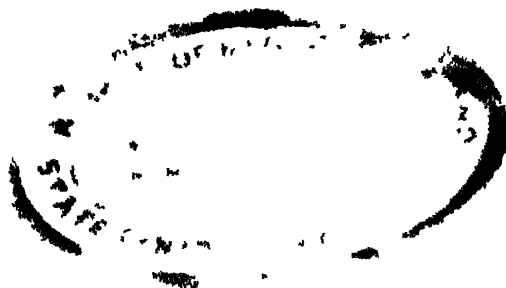
KA KOT SHAPHANG

KA AIN



BALATHODA
U
BOLSTARLY DKHAR, MA LL B.

2007



KA KOT SHAPHANG

KA AIN

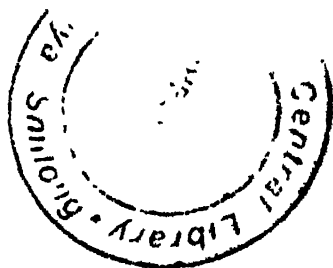
BA LA THOH DÀ

U

BOLSTARLY DKHAR M.A. LL.B.

“U Nongthoh u bat ia ka jinglongtrai”

*La ai mynsiem bad
pynkyrpang ha ka kyrteng I Mei jong
nga "Ka Nausica Dkhar".*



'JINGLAMPHRANG'

Kum u Nongthoh ia kane ka kot bad ha ka jingpyrkhat jong nga, nga la kut jingmut ban thoh bad pynmih ia ka kot kaba dei shaphang ka Aifñ (Law) ha ka ktien Khasi khnang ba ki Nongpule kin ioh jingshai shaphang ka Aifñ, kaei kaba ngi ki briew ngi dei ban leh bad kaei kaba ngim dei ban leh.

Da ka jingbymtip bad shemphang ia ka Aifñ, bunsien nga shem ba ki briew ki duh ia ki hok jong ki bad bei pisa ban ioh jingiarap na ki Nongiasaid wat tang ha kaei kaei kaba rit eh ha ka jingiadei bad ka Aifñ.

Nga kyrmen ruh ba kane ka kot kan ai jingiarap ia ki khynnah skul ba pule ha ki klass kiba kham shalor, ki khynnah college bad ia baroh ban tip shaphang ka Aifñ ha ki kam bad jingtrei jong ki.

Ha kane ka kot ki nongpule kin ym sngeweiei lada ngan pyndonkam ruh da ka ktien nongwei (English) hateng hateng haba ngam lah ban pynwan ha ka ktien Khasi ban kham sngewthuh bad shai bha.

Nga khmih lynti ruh ba ki nongpule kin ym sngeweiei lada don kino kino ki jingbakla da u nongthoh hynrei ban pule ia kane ka kot kum ka lad wad jingtip.

Ka subject shaphang ka Aifñ ka long kaba iar bad ki don bun ki tnat jingtip shaphang jong ka, hynrei ha kane ka kot nga la pyrshang katba lah ban thoh kyllumlang.

Dated: Bishop Falls,
The: 1st June 2007.

B. Dkhar
Bishop Falls Road
Lower Mawprem
Shillong - 793002
Meghalaya

Maurice G. Lyngdoh B.A., LL.B.
Advocate
Shillong Bar Association.

Phone no. 2241772
"Sagi - Thlang"
Lower Mawprem
Shillong - 793002
Dated: 1st April 2007

"TIEN - KHMAT"

Nga sngewbha shibun ban ioh pule ia ka manuscript, "Ka Kot Shaphang Ka Aifñ" ba la thoh da I Bah Bolstarly Dkhar. Ka long ka sien lehse kaba nyngkong ban iohi ia ka kitab kaba kyrsiew ia ka jaitbynriew ban tip bad sngewthuh kaei ka Aifñ. U Nongthoh u la pruid dak ha ka dur kaba shai ban sngewthuh ia ki Mat - Nongrim kyllum (General principles) jong ka Aifñ. Mynshuwa, la don ka kitab ha ka ktien phareng ba la pynmih ha ka snem 1970 da u Rangbah A. S. Khongphai halor ka Nongrim ki Aifñ Khasi (Principles of Khasi Law) ha kaba u la ktaid ban pashat jingtip ia ki "Customary Laws" kiba u la pynshong nongrim ha ki Rai Mokotduma kiba la don ha ki kashari bapher.

I Bah Bolstarly Dkhar pat i wanrah ia ka phang ban sngewthuh kyllum ia ka Aifñ ha ka jingiadei bad ka jingim kaba man ka sngi, da kaba u kdew ba dei ban don ka jinglong khuid bad ka jingbishar hok. U briew u don ki Hok (rights), ki kamram (duties) bad ki jingkit khlieh (responsibilities) kiba u dei ban pyndonkam ha ka jingim jong u.

Tiak, tang kum ka jingpynkynmaw, la don ha kine ki sngi ka jingkyrsiew ban pyntyndit bynriew bad ban pynkynmaw ia ki paitbah ba ki don ki Hok ne rights ba la pynkhamti da ka Aifñ, Consumer Protection Act, 1986. Ka jingbam kaba ngi bam bad ka tiar kaba ngi pyndonkam ka lah ban long ka jingma ia ka jingim lada ki Nongpynmih ne Nongdie, Nongpyniaid ia ki Mar thok bad shukor. Hapoh kane ka Aifñ ki paitbah ki don ka Hok ban iada ia lade na ki jingma ia ka jingim. Ki don ruh ki Bor jingbishar kiba la pynkupbor da ka Aifñ kiba bishar ban iada ia ki Hok jong ki Consumer na ka jingshah thombor ha ki Nongkhaai.

U Nongthoh u la trei shitom ban wanrah ia kane ka kitab bad ngi kyrmen ba kan long ka jingmyntoi ia ki nongpule.

Sngithiang
Lower Mawprem
Shillong

Maurice G. Lyngdoh



Reg. No. : 507 of 2003

: 0364 - 2545926

: 0364 - 2230238

E. L. LYTTAN.BA (GAU); LL.B (NEHU).

Advocate

and

Former Secretary, Meghalaya Legislative Assembly

Shillong

20 - 6 - 2007

TANG SHI KYNTIEN

Ka 'Kot Shaphang Ka Aifñ' ba la thoh da I Bah Bolstarly Dkhar ka la long ka kot kaba biang bha bad ka jingpyrshang kaba donburom namar, ka ai jingbatai ha ka ktien Khasi ia kiba bun ki ktien Aifñ kiba u babun balang, lait noh tang ia ki khyndiat ngut kito kiba trei kam Aifñ bad kiba la pass na ki skul Aifñ, kim don jingshemphang satia. Kane ka kot kan iarap shibun ia ki khyannah skul, ia ki briew wad jingtip bad khamtam ia kito kiba pyniaid ia ki kam shnong kam thaw, kam Hima Sima.

Nga kyrmen ba u Nongthoh un nang lah ban kham pynbha shuh shuh ia ka na ka por sha ka por bad kumjuh ruh, ban nang lah ban pynmih shuh shuh ki jingthoh shaphang ka Aifñ (Law) kaba ki tnad jingtip shaphang jong ka, ki don bun bha.

E. L. Lyttan

Foreword

U khun bynriew u iapher na u mrad namar ha u don ki aifi ki kanun kiba synshar ia ka longbriew manbriew ha ka imlang sahlang. Ka Aifi ka long u thied snam ia ka jingim u briew la ha iing ha sem, ha ka imlang sahlang. Ha Ri bad ka Pyrthei hi baroh kawei. La kha ia u briew ha ka jinglailtuid hynrei ha baroh sawdong ka jingim la teh lakam ia u da ka Aifi. Ka aifi jong ka iing ka sem, ka aifi jong ka akor ka burom, ka aifi shongkha shongman, ka aifi jong ka jingngeit bad mane Blei, ka aifi jong ka ioh ka kot, ka aifi ban ioh ia ka bor jong ka hok, ka aifi ban leh ia la ka jong ka kamram bad pynioh ia ka hok jong kiwei pat la ka long ha kano ka rukom ne ka mih na kano kano ka thymmei ka long ka "Atiar" ban wanrah ia ka jingshongsuk shongsaihi ha ka jingiadei parabriew. Ka jingbymtip ia ka aifi kam long ka daw ba u briew u lah ban lait na ki jingpynshitom lada u pynkhein ia ka aifi ba u nongthoh ha kane ka kot u la wanrah ia ki thup ka aifi naduh ka aifi kyllum (General Law) haduh ki aifi ki briew kum u shnong u thaw (Civil Law) bad ki aifi u briew uba leh palat ne pynkhein ia ka aifi (Criminal Law) bad ki aifi ba ai jingpynshitom ne pynsaja kat kum ka jingleh bymman (Penal Law), ia ki hok tynrai (Fundamental Rights) ka Riti synshar bad kiwei.

Ka jingnang u Nongthoh ban pynwandur ia ka aifi pyrthei bad ka aifi u Blei lyngba ki khana bad dkhoh na ka Bible ka pyni ia ka jingthrang jong i ban pynioh ia ka jingiadei ka aifi niam bad ki aifi pyrthei khnang ban wanrah ia ka jingshisha jong ka jingim u briew ha ka imlang ka sahlang ban pynioh bad pynneh ia ka jingsuk.

Kane ka kot ki Aifi, ka long ka thup ai jingtip ka ban iarap ym tang ia uwei u ar hynrei ia baroh kiba kwah ban tip ia ka aifi ha ka ktien la jong ka ban pynsuk shibun ia ki ha ka ban sngewthuh ia ka aifi kaba long u thied snam ha ka imlang sahlang (Society). Ha ka bynta kane nga sngewdei ban ong ba i Bah Bolstar Dkhar i don ka jingiohi jngai ha ka ban ai ka jingtip shaphang ka Aifi ha la ka jong ka ktien ka ban pynsuk ia ki briew ban tip ia ka hok bad kamram jong ki kum ki nongshong shnong ha ka ri India ba iar.

Dated: Shillong,
The 28th August 2006,

Dr. O.D.V Ladia
Principal
Shillong Law College.

JINGKDEW

<u>Ki Lynnonng</u>	<u>Page No.</u>
I Ka jingmut jong ka ktien Aiñ	1-2
II Ka Jingbishar hok , ki Nongrim ka jingbishar hok ba ju leh ne long bad Jingiatiplem babha	3-9
III Ki jaid Aiñ	10-12
IV Ka jingpynbynta ia ka Aiñ	13-14
V Ki tynrai na kaba ka Aiñ ka Wanmih	15-19
VI Ka jingbuh ryntih ia ki Aiñ ki kanun ha ka rukom kum ki code	20-21
VII Ka rukom pyniaid ban pynioh pat ia ka hok u briew	22-26
VIII Ka jingshait ban lam sha ka jingbakla ne jingmynsaw	27-31
IX Ka Jinglongtrai	32-36
X Ka jinglong ban bat ne don	37-40
XI Ka jingdon jingem	41-44
XII Ka Jingbatai ha ka rukom pynshongnia ia ki kyntien pynlong Aiñ	45-46
XIII U Briew ne jinglongbriew	47-50
XIV Ki hok bad ki kamram	51-54
XV Ki Hok tynrai	55-65
XVI Ki jingthoh jingkyrpad	66-70
XVII Ki Jaid jingbe-aiñ ha kaba iadei para briew	71-77
XVIII Ka rukom ba ju leh ha kaba iadei bad ki jingbe-aiñ kaba ktah ia u babun balang	78-85
XIX Ka Hok ban ioh lum jingtip	86-87
XX Ka jingiada ia ki Nongpyndonkam ia ki mar ki mata	88-90
XXI Ki jaid jingbe-aiñ	91-105

I

Ka Jingmut jong ka ktien Aifñ (Meaning of Law)

Ki la don shibun ki jingbatai bad jingpynshai kaei ka jingmut jong ka ktien 'Aifñ'. Ban batai shaphang ka jingmut jong ka ktien 'Aifñ' ka long kaba eh shibun na kiba bun ki daw, bad kawei na kita ki daw ka long ba ka Aifñ ka dei lang bad ka rukom im rukom leh ki briew naduh ki por hyndai haduh ki por mynta. Kumta namar ba ka rukom im rukom leh ki briew ka kylla na kawei ka por sha kawei pat, ka Aifñ kaba teh ia u briew ruh ka kylla na kawei ka por sha kawei pat.

Ka ktien 'Aifñ' ka mut bad ka kynthup ia shibun kiei kiei ha ka imlang sahang u briew. Ha ka rukom ki Hindu, ki ong ia ka Aifñ 'Dharma', ki muslim pat ki ong 'Hukum', ki Roman ki pyndonkam da ka ktien 'Jus', ki French ki ong 'Droit', ki German ki ong 'Richt'.

Mynta to ngin ia pyrshang ban sngewthuh ia ka jingmut jong ka ktien 'Aifñ' kat kum ka jingbatai ki riewstad bad riewpyrkhat aifñ.

Ki Roman ki ong ba ka 'Aifñ' ka mut 'Ka jingthew ia kaba shisha bad ka bym shisha', 'The standard of what is just and unjust'. Don pat kiba ong ba ka ktien 'Aifñ' ka mut, 'Ka Art lane Science kaba hok bad kaba shisha', 'The Art or Science of what is equitable and just'. Ki Hindu ki ong ba ka jingmut jong ka ktien 'Aifñ' ka long 'Ka hukum u Blei', 'The Command of God' bad ym dei ka hukum jong uno uno u nongsynshar uba long tang u nongpyntrei kam ia kane ka Hukum ba la ai u Blei ha kaba ma u ruh u dei ban kohnguh ia ka.

Ki riewstad bad riewshemphang ha kine ki por mynta ki ong ba ka ktien 'Aifñ' ka mut 'Ka hok bad jingbishar hok'. Halor kane ka jingshisha uwei na ki nongbatai shaphang ka Aifñ ia uba ngi tip kum u Salmond u ong ba ka ktien 'Aifñ' ka mut 'Ka Thup jong ki nongrim ia kaba la ithuh bad pyntreikam ha ka jingsynshar ban pynioh ia ka jingbishar kaba hok' - 'The body of principles recognised and applied by the State in the administration of justice'. U Salmond u ong ruh ba ka Aifñ ka kynthup ia ki kyndon ba la ithuh bad pyntreikam da ki Ingbishar (courts), hynrei ia kane ka jingbatai jong u Salmond shahang ka Aifñ la shem ba kam biang namar u pynshong nia ha ka Jingbishar hok (Justice) bad Ingbishar (Court), bad u klet noh ba ka rukom im bad rukom leh ki briew kaba la slem (custom bad convention), ki hukum ba mih na ki nongsynshar (administrators) bad ki nongthawaifñ (Legislators),

ki long aifn ha ka pyrthei mynta.

U Austin pat uba dei u riewstad bad riewpyrkhat aifn jong ka ri England u ong ba ka Aifn ka mut “Ki kyndon lane nongrim ba la buh da ki nongsynshar ba ha khlieh duh (political superiors) na ka bynta kiba shah synshar (political subjects) kaba mut ba ka ‘Aifn’ ka long ka hukum ba ha khlieh duh jong u nongsynshar (Command of the sovereign).

U Duguit uwei pat u riewstad aifn u ong ba ka ‘Aifn’ ka long ka rukom im ne rukom leh u briew ha ka imlang sahleng bad ia kane ka jingbatai la pynskhem da uwei pat u riewstad ain jong ka ri America ia uba ngi tip kum u Roscoe Pound lyngba ka jingbatai jong u ha kaba iadei bad ka jingpyniaid ia ka Imlang Sahlang (Social engineering theory).

II

KA JINGBISHAR HOK (JUSTICE)

Mynta ngin iaphai sha kawei pat ka bynta jong ka Jingtíp shaphang ka Aifi da kaba ngin ia peit shwa ia ki Nongrim (Principles) ha kiba ka Civil Law bad ka Common Law ki ieng.

Kane ka mut ba uno uno u Nongbishar (Judge) bad uno uno u Nongiasaid (Advocate) u dei ban bud ryntih khnang ban wallam ia ka Jingbishar hok (Equity) bad ia kine ki nongrim ha kiba ka Aifi ka ieng ki ong 'Equity Principles'. Ki don baroh 12 tylli ia kaba ngin pyrshang ban sngewthuh.

1. 'Uno uno uba wan ha ka Aifi u dei ban wan da ki kti kiba khuid' - 'Whoever comes to equity must come with a clean hand'.

Ka jingmut jong ki kyntien 'Uno uno uba wan ha ka Aifi u dei ban wan da ki kti kiba khuid' ka mut ba uno uno u brierw uba leh bakla ne pynkhein ia ka Aifi ba la buh ha ka Jingiadei parabrierw bad ha ka Jingsynshar, un hap ha ka jingbishar bad yn pynrem ia u. Kane ka long ba ngi ki brierw ngi dei ban sngewthuh ba ngim lah ban rieh tngen ha ka Aifi haba ngi la bakla.

Kum ka nuksa ha ka por ka jingsynshar U Syiem Solomon ha ka hima Isreal, la don arngut ki long kmie kiba ia thiah lang ha kawei ka jaka ryngkat bad la ki khun kiba dang buifi. Kawei na kine ki longkmie ka la ban noh ia la i jong i khun bad i la iap. Kumta ka la leit sha kata kawei pat ka longkmie kaba dang ioh thiah bad la i khun ba dang buifi, da kaba bujli da iba la iap ha ka shadem jong ka. Ka kmie jong ita iba dang buifi haba la bujli da i ba la iap bad haba im buifi shuh, ka la peit bad ka la ithuh ba im dei i khun jong ka. Kumta ka la don ka jingiaknieh khun ban kam kynti ia i ba dang im. Kawei ka ong 'I jong nga' bad kawei pat ka ong 'I jong nga'.

Haba la wallam ha khmat u Syiem Solomon ban bishar bad haba la kylli 'I jong no ine iba dang im'. Baroh arngut ki la ong 'I jong nga'. Kumta u Syiem u la khot ia u shakri ban wallam ia ka waitlam bad u la ong 'Pom marshiteng bad ai marshiteng'. Kata ka bym dei ka kmie shisha ka ong "Ka bha ban leh kumta, syiem kynrad". Kata kawei pat kaba dei ka kmie shisha ka la wan hajan u Syiem ka da ong 'Em Syiem kynrad wat leh kumta' ka da ong ruh ba kan ai noh ia i khun ba dang im jong ka ha kata kawei pat ka longkmie ka bym dei shisha ka

kmie. U Syiem u la hukum ia uta u shakri ban ai noh ia ita i khun ba dang im ha kane ka longkmie kaba dei shisha ka kmie jong ita i khunlung iba dang im. Kane ka hikai ba "Uno uno uba wan ha ka Aifñ u dei ban wan da ki kti kiba khuid". Ka don ka Jingong ba ki Nongiasaid Aifñ ki long kiba shukor ' Lawyers are Liars'. Kane ka jingong ka long kaba bakla. Ki dei tang kito ki briew haba la rai pynrem ia ki da ka Aifñ kiba kren kumne tang ban da rap jot ia lade. Ka Aifñ kaba beit bad ryntih ka ieng ha ka Nongrim jong ka hok bad ka Jingshisha.

2. 'Ka Jingbishar Hok ka peit ia ka jingthmu ba shapoh, ym ia ka jingleh kaba paw shabar' - 'Equity looks to the intent and not the form'.

Ka Jingmut ki kyntien ka long ba ka jingbisharhok ka peit ia ka jingthmu ka dohnud ba shapoh, ym ia ki jingleh ba paw shabar. Kum ban ai nuksa, ka Aifñ ha ka jingiadei bad u nongpyniapbriew, kam peit kumno u pyniap, la ka long ba u siat da ka suloi ne pom da ka wait, hynrei ka peit kaei kaba don shapoh ka dohnud u briew kaba pynlong ia uba un leh kumta. Ka aifñ kan peit la ka long ba la mut bad thmu shisha (mensrea or premeditated) ne ka long ba shu jia ryngkhat (accident death).

3. 'Ka jingpynryngkat mardor ka dei ka jingbishar hok' 'Eqaulity is equity'.

Ka jingbishar kaba shisha ka pyniaryngkat mardor ia ka hok ka jinglongtraí. Ngi dei ban kynmaw ba ha ka aifñ, u Nongmudui bad Nongshah mudui ki don la ki jong ki hok. Ngi lah ban sngewthuh ia ka jingmut jong kitei ki kyntien da kaba ai nuksa kumne -

Don argut ki Nongairam (Creditors) bad uwei u Nongshimram (Debtor). Uwei na kitei ki nongairam u shah khambun bad uwei pat khyndiat ha ujuh u nongshimram. Ynda haba u nongshimram um lah siew shuh ia ka ram, bad haba la dei ban bate bad sam ia ka jingbuh bynda jong u la ka long da ka jaka puta ne markordor, ka aifñ kan peit ba baroh argut ki nongairam ki dei ban ioh bynta, la uba ai ram khambun un ioh khambun bad uba ai ram khyndiat un ioh khyndiat. Kane ka nuksa ka pyni ba 'Ka jingpyniaryngkat mardor kadei ka jingbishar hok'.

4. 'Ka Jingbishar hok kan ym shah ia kano kano ka jingbakla khlem da pynbeit' "Equity will not suffer a wrong to be without a Remedy"-

Ka Jingmut ki kyntien ka long ba ka Aifñ kan ym shah ia kano kano ka jingbakla khlem da pynbeit, lada ka long kaba lah da ka

Inglishar. U briew u don la ki jong ki hok, bad haba u duh noh ia ki hok jong u, dei ban pynioh pat ia ki hok ba u la duh. Ka don ka jingong 'Haba don ka hok ka dei ruh ban don ka jingpynbeit ban ioh lehkmien ha kata ka hok'. Ha ka ktien English ki ong 'When there is a Right, there is a Remedy' bad ha ka ktien French ki ong 'Ubi jus ibi remedium'.

Ha kawei na ki jingbishar (Court Case) ia kaba ngi tip kum ka case 'Ashby vrs White' ka Inglishar ka ong kumne "Haba ka aifi ka pynkup jaiñ ia u briew da ki hok, dei ban don ruh ki lad ban pynneh ia kita ki hok jong u bad ban pynioh pat haba u la duh noh ia ki".

Ha ki bun ki bynta, ka Common Law kam shym la lah ban pynbiang lut ia ki rukom ban pynioh pat ia ka hok u briew haba u la duh noh ia ki. Dei tad haduh ban da mih kawei ka Inglishar ha ri England kaba ngi tip kum ka Court of Chancery ba sa nanglah ban pynioh pat ia ki hok u briew haba u la duh noh da kaba wallam shuh ia ki rukom pyrkhat bad rukom pyntreikam ha kaba iadei bad ki nongmudui bad nongshahmudui (Litigants).

5. 'Uno uno uba wad ia ka jingbishar hok u dei ban leh hok' - 'He who seeks equity must do equity'.

Ka jingmut ki kyntien ka long ba ka Inglishar haba ka shim ia kano kano ka rai ha kaba iadei bad ki hok ne jingiohpat ia ki hok ba la duh noh, ka dei ban peit ruh ba ki nongmudui bad nongshahmudui (Litigants) ki dei ban don ka jingkohnguh bad jingtipler babha. Uno uno u nongmudui haba u wan ban wad ia ka jingbishar kaba hok bad ba beit, u dei ban ñiew ia uba shah mudui ba u ruh u don la ki jong ki hok bad ban sngewhun ha kano kano ka rai ba ka Inglishar kan ai. Lada ka Inglishar ka shem ba u nongmudui ruh u don la ki jong ki hok ha kaei kaba u nongmudui u dawa, uta u nongmudui u dei ban long uba la kloï ban ai ruh ia kita ki hok ha u nongshahmudui. Dei tang kane kaba lah ban wallam ia ka jingbishar hok. Ka Inglishar kan ym shah ba u nongmudui un ong 'Ai ia baroh ka hok jong nga bad ngan ym shah iano iano ruh ban knieh ia ka hok jong nga'.

6. "Ka jingbishar hok ka iarap ia u briew uba peitngor ym ia u briew uba jaipdeh".

"Equity aids the vigilant and not the indolent"

Lada ngi kwah ia ka jingbishar hok ngi dei ban kynmaw ba ngi dei ban leit sha ka Aifi ha ka por kaba biang (instant action) ha kaba kano kano ka jingjia ka dang dep jia bad haba ki sakhi satar (material

evidence) ki dang paw bad shai bha. Kane kan iarap ym tang ia u nongbishar (judge), u nongiasaid (advocate) bad u nongmudui (plaintiff) kumjuh. Ka jingmut ki kyntien ka long ba ngim lah ban ioh thiah ha ki hok jong ngi ' we cannot sleep over our rights.' Hateng hateng ngi dei ban khie bad peit la ngi ioh shisha ban lehkmen ha kita ki hok jong ngi, ne la knieh noh ia ki hok jong ngi da kiwei pat ki bym dei hok. Lada ka long ba la knieh noh ia ki hok jong ngi da kiwei pat, mar mar ngi dei ban leit sha ka Aifi ban ioh jingiarap ne pynioh pat ia ki hok jong ngi.

7. 'Ka Jingpynslem ka pynduh noh ia ka Hok' - 'Delay defeats Equity'

Ka jingmut ki kyntien ka don ka jingiadei bajan bad ka jingong 'Ka jingbishar hok ka iarap ia u brieve uba peitngor ym ia uba jaipdeh.' Ngi dei ban kynmaw ba ha ka aifi, u don u pud (Law of limitation) ha kaba uno uno u nongmudui um lah ban jam haba ka por ka la dier. Ki sakhi satar kiba la rim eh ki pynjngut ia ka hok u brieve tad haduh ba ka Aifi bad ka Ingbishar nalog utei u pud ba la buh, kan ym lah ha ka bor jong ka ban pynioh pat ia ki hok u brieve haba la palat eh ka por ne namar ka jingpynslem eh ki nongmudui bad nongshahmudui (litigants) bad kumta ngi dei ban kynmaw ba ngim dei ban iohthiah ha ki hok hynrei kiba peitngor.

8. 'Ka Aifi ka trei kam ruh ha ki jingdon jingem u brieve' - 'Equity acts in personam'

Ka jingmut ki kyntien ka long ba ka Aifi ka peit bad treikam ha ki jingdon jingem u brieve la ha ka ri ba u shong ne shabar ka ri. Ka Ingbishar jong ka ri England kaba ngi tip kum ka 'Court of Chancery' ne 'Court of Equity' ka don ka bor ban kurup ia ki jingdon jingem u brieve la ka long ha ka ri kaba u shong ne shabar kumjuh. Kane ka kham iadei eh bad ki jingjia kum ha kaba leh tuh (cases of fraud), kaba bat bad sumar ia ki iing bad jaka puta (cases of trust) kaba iakut ne iateh kular (cases of contract). Lada uno uno u nongshah mudui u la pynkhein ne lada shem be u la bakla ha kitei, ka Ingbishar ka don ka bor ban pynbeit da kaba kurup wat ia ki jingdon jingem jong u shabar ka ri lada utei u nongshah mudui u dei na ka ri kaba hap hapoh ka bor jong katei ka Ingbishar, la kane la leh da ka Ingbishar ka ri England pyrshah ia u nongshahmudui ban kurup ia ki jingdon jingem jong u ha kiwei pat ki ri bad jaka kum ha Scotland, Ireland bad kiwei de.

9. “Haba don ka jingriyngkat ha ki hok, ka Aifi ka ai ia ka Rai”
“When there is equal equity, the Law shall prevail”

Ka jingmut ki kyntien ka long ba haba don kano kano ka jingriyngkat ha ki hok u briew, ka shong eh ha ka Aifi bad Ingbishar ban ai ia ka rai. Halor kane to ngin ia pyrshang shuwa ban sngewthuh kaei ka jingmut jong ka hok kynti (Legal right) bad ka hok myntoi (Equitable right). Kum ban shu ai nuksa, u trai jong kano kano ka jaka ne iing u don ka hok kynti (legal right) bad u nongshongwai ha kata ka iing u don ka hok myntoi (equitable right). Ia ka jingmut jong kine ar tylli ki hok lah ban batai kumne:-

(i) Lada arngut ki briew uwei u don ka hok kynti (legal right) bad uwei pat ka hok myntoi (equitable right) na kano kano ka met tynrai ne kano kano ka jingkam kynti, dei ka lingbishar ka ban ai ia ka rai. Hangne nga don ban ong ba ha ka lingbishar, uta uba don ka hok kynti u kham khlain ban ia uta uba don ka hok myntoi.

(ii) Kawei pat kaba ju jia man ka por ka long ba uno uno u nongthied ia kano kano ka jaka ne kano kano ka tiar, ha kaba u da siew dor bad khlem da tip shuwa ia ka jinglongtrai u ioh ka hok kynti bad ka hok myntoi. Kane ka kham iadei eh bad kito ki briew kiba bat bad sumat ia ki jaka puta (cases of trust). Kum ban shu ai nuksa, u nongsumar ia kitei ki jaka puta (trustee) u don ka hok myntoi ha kitei ki jaka kiba u sumar, hynrei u buhrieh ia kata ka jinglong nongsumar bad u die ia kitei ki jaka kiba u long tang u nongsumar. U nongthied khlem da tip ia kane ka jingbuh rieh, u ioh ka hok kynti bad ka hok myntoi halor ka jaka kaba u la thied wat la ka long ka jinglehtuh da u nongsumar (trustee).

10. “Haba ka don kano kano ka jingriyngkat ha ka hok u briew, kata kaba shwa kan ioh ia ka Hok” - “When there are equal equities, the first in time shall prevail”.

Ka jingmut ki kyntien ka long ba ‘Haba don kano kano ka jingriyngkat ha ki hok u briew, kata kaba shwa kan ioh ia ka hok’. Lah ban ai nuksa kumne, Ka lingbishar kan ym pynrem iano iano ne pynksan tang namar ka jingshuwa ha ka por, dei sa tang haba ka la pyndonkam ia baroh ki diengkot ha kaba iadei bad ki hok u briew, da kaba khmih ia ka met tynrai (matter), ka jingkam kynti (claim), bad ha kano ka rukom la ioh ia kata ka jingkam kynti (acquisition) bad haba ka la shem, ba baroh kitei ki iaryngkat, ka Ingbishar kan ai ka rai ba ka jingkam kynti

ne jinglongtrai kaba shuwa ha ka por, kan ioh ia ka Hok.

11. 'Ka Jingbishar hok ka peit ia kaei kaba la jia ym ka ban dang jia'
"Equity looks on that as done which ought to have been done".

Ka Jingbishar hok ka peit ia kaei kaba la jia, ym ia kaei kaba dei ban jia bad kane ka kham iadei eh bad kino kino ki jingiatehkular (cases of contract or agreement). Ka Ingbishar kan ym peit ia ki kyndon jong ka jingiateh kular hynrei kumno la pynkhein ia kita ki jingiateh kular na kaba sa wan mih ka jingbymiasngewthuh jingmut ne iapher jingmut bad kumno ka jingpynkhein ia ki kular ka ktah ia ki nongiashim bynta ha kata ka jingiateh kular.

12. 'Ka Jingbishar hok ka ieng ha ka nongrim jong ki kyndon ka Aifñ'
"Equity follows the Law".

Ka jingmut ki kyntien ka long ba ka jingbishar hok ka bud ryntih ia ki kyndon ka Aifñ bad kam lah ban pynbakla ia kaei kaba la thoh ha ka Aifñ. Ka Ingbishar ha ri England kaba ngi tip kum ka Ingbishar jong ka Chancery (Court of Chancery) ka ieng ha ka nongrim jong ka Common Law bad kam lah ban pynkylla ia kaei kaba la thoh ha ka Aifñ, lynda kumta yn ym lah ban wallam ia ka jingbishar hok. Hynrei hateng hateng haba ki kyndon ka Aifñ ki long ki bym shai, ka Ingbishar ka lah ban ai ka rai kum ka jingpynbeit bad jingpynjanai halor ki kyndon ka Aifñ ban pynioh ia ka jingbishar hok

Kum ban shu ai nuksa, haba u kpa u iap bad u da iehnoh shadien ia ki khun shynrang bad kynthei bad ruh ia ki jaka puta bad ki iing ki sem, bad la ka la don ka jingpynbeit ba u khun nyngkong un pyniaid ne peit ia ki, ka Ingbishar kan ialeh katba lah ban peit ba baroh ki khun jong u kin ioh bynta lang na ki jingdon jong u kpa, da kaba shim ba u khun nyngkong u long tang u nongpeit ne nongsumar ia ki jaka puta (cases of trust).

Ki Nongrim Jong ka Jingbishar hok ba ju leh ne long **(Principles of Natural Justice)**

Ka jingmut jong ka kyntien 'Ka Jingbishar hok ba ju leh ne long' (Natural justice) ka mut ba ia ka jingbishar hok dei ban peit ha kata ka rukom ba :-

1. Kam dei ban thiah shiliang da kano kano ka Jingiashah briew, kaba mut ba u Nongbishar um dei ban iadon bynta ne iadon kti ha kano kano

ka jingiakajia kaba lah ban pynlong ia u ban ai ia ka rai bym hok.

2. Yn ailad ia u Nongmudui ne Nongshah mudui ba kin pynpaw ia ka jingsngew ne jingshem jong ki ban tip ia ki daw ka jingiapher jingmut ne jingbakla ha kaba ki dei ban wan sha ka Ingbishar bad yn kylli jingkylli ne tohkit da ki Nongiasaid kiba kyrshan ne pyrshah ia ki bad hadien ba la dep ka Ingbishar kan sa ai ia ka rai jong ka.

3. Uta uba ioh sngew ia kiei kiei baroh un sa ai ia ka rai jong u.

4. U briew uba wad ia ka Jingbishar hok u dei ban leh hok bad u dei ban hun ha kaei kaba ka Ingbishar ka rai.

Ka jingiatiplem babha (Good Conscience)

Ka Ingbishar ka dei ka Ingbishar jong ka Jingiatiplem babha.

1. Haba ym lah ban pynbha haba don jingbakla kaba wallam ia ka jingpynsniew ne jingiapynjot, ka Ingbishar kan pynbeit ia kata ka Jingbakla da kaba ai hukum (Injunction) ne pynbeit ia kata kaba la bakla.

2. Haba ym lah ban pynmihpli ne ai pli (compensate) ia kaei kaba la shim ne duh noh, dei ban pynphai pat (restitute).

Kumta ngi iohi bad shem ba ki nongrim jong ka Jingbishar hok (Equity Principles), ka Jingbishar hok ba ju leh ne long (Natural Justice) bad ka Jingiatiplem babha (Good Conscience) ki long ki diengkot ban khein bad thew shano ka tarajur jong ka jingbishar ka noh ne thiah shiliang la sha u Nongmudui ne Nongshah mudui bad ka Ingbishar kan sa ai ka rai jong ka iano ban pynksan bad iano ban pynrem.

III

KI JAID AIN **(KINDS OF LAW)**

Mynta ngin ia poi sha kawei pat ka bynta jong ka jingtip shaphang ka Ain bad ngin ia peit mynta ia ki jaid Ain bad pynbynta kumne harum:-

1. **IMPERATIVE LAW**:- Ka ktien 'Imperative' ka mut ka Ain ia kaba la pynlong da ka hukum. Namar kata ngi lah ban ong ba ka ktien 'Imperative Law' ka long 'ka Ain ba la pynlong da ka hukum na ka bynta u briew ia kaba la pynjari da ka bor jongno re ha kaba u briew u dei ban kohnguh', 'A precept or a rule of action imposed upon men by some authority which enforces obedience'. Ki hukum kiba mih na ki Nongsynshar ki teh ia kiba shah synshar ba ki dei ban kohnguh bad ban pyntreikam ia ki. Kumjuh ruh ka hukum kaba mih na kino kino ki seng ne ki kynhun seng ka teh ia ki dkhot jong ki ban kohnguh ne pyndep ia ki kyndon ba la buh. Ka jingpyndonkam jong ka bor met (physical force) ban pynkohnguh ka donkam shibun eh ha kaba iadei kum ka jingsynshar bad kaba shah synshar. Ka jingweng noh ia ka jinglong dkhot ne jingsiew ia ka kuna ka long ka jingpynshitom ia ki dkhot ha kaba iadei bad ki seng ne kynhun seng. Kumta ngi iohi ba u briew um lah ban lait na ka Ain ba la buh bad u dei ban kohnguh lynda kumta un hap ha ka jingpynshitom.
2. **PHYSICAL LAW LANE SCIENTIFIC LAW**:- Kane pat ka jaid Ain ka kynthup ia ki Ain ka mariang. Kum ban shu ai nuksa, ka sngi ka mih dang step bad ka sep ynda miet, 12 kynta la pynlong ia ka sngi bad 12 kynta la pynlong ia ka miet, ka sngi ka mih na mihngi bad ka sep sha sepngi, ki long ki Ain ka mariang. Ha kaba iadei pat bad ngi ki briew, ka jingiohthiah ka wan hadien ba la trei baroh shisngi, ka jingthngan ka wan haba ym don jingbam shuh ha ka kpoh.

3. **NATURAL LAW**:- Kane kawei pat ka jaid Ain ka long ba u briew u dei ban long, leh, bad pyrkhat kumba ia long lang u briew baroh ha ka rukom jingsynshar ne shahsynshar bad ha ka jingiadei parabriew ne imlang sahlang. Dei kane ka jaid Ain kaba wallam shisha ia ka jingmut jong ka ktien 'Ain' lane kaba teh ia u briew ha ka Ain. Dei kane ka Ain kaba ai jinghikai ia ki nongrim ha kaba u briew u pyrkhat ne leh ia kaba ki Roman ki ong 'Acquitas' bad ki English ki ong 'Equity'.
4. **CONVENTIONAL LAW**:- Kane kawei pat ka jaid Ain ka kynthup ia ki hukum kiba mih na kano kano ka Jingtatehkular hapdeng ki briew ne ka hukum, ki briew ne kynthun briew ban wallam ia ka jingiaidbeit ia id ryntih hapdeng jong ki. Ka Ain kaba iadei bad ki seng bhalang ka teh ia ki dkhot ban kohnguh bad pyndep hok ia kaei ba la iateh. Ka International Law ka long kawei na ki nuksa ba dei biang ha kaba kino kino ki ri ki ia mynjur lang ban kohnguh ne leh ia kaei kaba ki la iakut ne mynjur lang.
5. **CUSTOMARY LAW**:- Kane ka dei ka Ain kaba teh ia kano kano ka jaidbynriew da ki rukom im ne leh kiba la slem ha ka imlang sahlang. Ka rukom im ne leh jong kano kano ka jaidbynriew kaba la slem bad ia kaba la bud ryntih da baroh ka kylla long 'Ain'. Kane ka Ain ka mih na ka jingiabudlang (imitation), ka jingsngewbit sngewbiang (convenience), ka jingdei ne jingbit (expediency) bad kumta kine baroh ki don ka bor Ain ha ki.
6. **TECHNICAL LAW**:- Kane kawei pat ka jaid Ain ka long kaba khampher bad kaba iadei bad kano kano ka kam ne jingtrei shihud ba leh ne pyrkhat da u briew. Ki Ain jong ka jingkoit jingkhiah, ki Ain jong ka jingthoh kot ne poetry, ki hap ha kane ka jaid Ain.
7. **INTERNATIONAL LAW**:- Kane pat ka jaid Ain ka teh ia ka jingiadei jong kawei ka ri bad kawei pat, bad ia kane ka jaid Ain ngin sa iapeit bad pule ha ka lynnong 'Jingpynbynta ia ki ain'

(Classification of Law).

8. **MUNICIPAL LAW NATIONAL LAW:-** Kine ki jaid ain kiia long kawei. Ki long ki ain kiba iadei ha kano kano ka jingsynshar bad kaba shahsynshar ne jingiadei parabriew ia kaba ngin sa peit bad pule ha ka lynnong 'Jingpynbynta ia ki ain' (Classification of Law).

IV

KA JINGPYNBYNTA IA KA AIN **(CLASSIFICATION OF LAW)**

Ia ka Aifi, ngi lah ban pynbynta ha ki 2 bynta:-

1. **Ka Ain ha ka jingiadei kawei ka ri bad kawei pat (International Law).**
2. **ka Ain kaba dei hapoh la ka jong ka Ri (Municipal lane National Law).**

1. KA AIN HA KA JINGIADEI KAWEI KA RI BAD KAWEI PAT (INTERNATIONAL LAW):-

Ia kane ka Ain ngi lah ban pynbynta ha ki 2 bynta:-

- (i) **KA PUBLIC INTERNATIONAL LAW:-** Kane ka Ain ka peit bad teh ia ka jingiadei kawei ka ri bad kawei pat bad kumno ki ri ki iateh kular ban wallam ia ka jingiasngewthuh jingmut hapdeng jong ki ban peit ia ka roi ka par, ka khaii ka pateng, ka shongsuk shongsain bad kiwei de la ka long tang hapdeng ar ki ri (bilateral) ne bun ki ri (multilateral) ne iaseng lang (organizational).
- (ii) **KA PRIVATE INTERNATIONAL LAW:-** Kane ka Ain ka peit bad teh ia ka jingiadei ki nongshongshnong jong kawei ka ri bad kawei pat ka ri kum ha ka khaii pateng, ka jingshong kurim bad kiwei de. Kum ban shu ai nuksa, ka jingiateh kular ha ka khaii pateng, hapdeng u nong India bad u nong Pakistan, ia kaba la iateh kular ha Sri Lanka bad lada pynkhein ia kata ka jingiatehkular, yn pynbeit ha kano ka ri, India lane Pakistan lane Sri Lanka. Kumjuh ruh haba don ka jingshong kurim bad pyllait tnga hapdeng ar ki jaidbynriew hangno yn pynbeit ia kata. Namarkata la khot ia kane ka Ain 'Jingiatyngkhuh ki Ain' (Conflicts of Law) jong kawei ka ri bad kawei pat.

1. KA AIN KABA DEI HAPOH LA KA JONG KA RI:-

(Municipal and National Law)

Ia ka Ain kaba iadei hapoh la ka jong ka ri ngi lah ban pynbynta ha ki 2 bynta:-

- (i) **KA PUBLIC LAW:-** Kane ka dei ka Ain kaba teh ia u brierw ha ka jingiadei ki Nongsynshar bad kiba shahsynshar ia kaba ng lah shuh ban pynbynta ha ki lai bynta:-

(a) **Ka Constitutional Law:-** Kane ka long ka Ain kaba long tynrai ba la iakut, ba la buh bad shna khnang na ka bynta ka jingsynshar ha kano kano ka ri bad ka jaidbynriew.

(b) **Ka Administrative Law:-** Kane ka long ka Ain kaba iadei bad ki rukom synshar khadar kum ka Jingpynlong (Structure), Jingpynkupbor (Powers) bad ka Jingtreikam (Functions) jong ki dkhot (Organs) jong ka bor Sorkar (Government). Kumno ki dkhot ka sorkar ki treikam, uei u pud jong ki, kiei ki hok ki brierw bad kiei ki lad ki lynti ban pynioh pat ia ki hok kiba ki brierw ki la duh noh ha kaba iadei bad kane ka Ain.

(c) **Ka Criminal Law:-** Kane ka long ka Ain kaba peit ia ka Jingpynkhein ia ki kyndon Ain ba la buh ha ka Jingiadei ki nongsynshar bad kiba shah synshar bad ka rukom pynshitom ia kiba leh be-ain.

- (ii) **KA PRIVATE LAW:-** Kane ka dei ka Ain kaba teh ia u brierw ha ka Jingiadei parabrierw ne para nongshongshnong ha kano kano ka ri ia kaba ngi lah ban pynbynta kumne:-

(a) Ka Ain kaba iadei bad u brierw shimet (Personal Law).

(b) Ka Ain kaba iadei bad ka Jingdon Jingem (Law of Property).

(c) Kumno u brierw un leh ha ka Jingiadei parabrierw (Law of obligation), kum ka Jingtateh lular (Law of contract) bad ka jingpynkhein ne Jingbakla ha ka jingiadei parabrierw (Law of tort).

KI TYNRAI NA KIBA KA AIN KA WAN MIH
(SOURCES OF LAW)

Hadien ba ngi la sngewthuh ia ka jingmut jong ka ktien 'Ain', to ngin ia peit mynta kumno ka Ain ka wan mih ne ki tynrai na kaba ka Ain ka wan mih.

U Salmond uba long uwei na ki riewstad ain, u pynbynta ia ki tynrai na kaba ka Ain ka wan mih ha ki ar bynta bad kita ki long:-

1. **FORMAL** – Ki Ain kiba shu mih kumto ne long la ka long.
2. **MATERIAL** – Ki Ain ia kiba la pyrkhath, thaw bad buh da u briew.

Ha kaba iadei bad katei kaba ar, ngi lah shuh ban pynbynta ha ki ar bynta:-

- (i) **LEGAL**:- Ki Ain ia kiba la pyrkhath, thaw, buh bad pyrthuh bud da u briew bad kita ki long –

(a) Ki Ain kiba pynmih bad thaw da u briew kiba ngi ong 'Legislation', kata ki Ain kiba mih na ki ling Dorbar bad Dorbar Thawain.

(b) Ki Ain ba wan mih na kano kano ka Rai jong ka Jingbishar ne lingbishar kiba ngi ong 'Precedent'.

(c) Ki Ain kiba mih na ka rukom im ne leh u briew kiba la rim ha kano kano ka jaidbynriew kaba ngi ong 'Custom' ne 'Customary Law'.

(d) Ki Ain ba la sngewthuh jingmut lang da kiba bun kiba ngi ong 'Convention' ne 'Conventional Law'.

- (ii) **HISTORICAL**:- Kiwei pat ki tynrai na kaba ka Ain ka wan mih ki hap hapoh kane ka jingpynbynta la kim da long kiba trei kam ne donkam kum ki jingthoh jong ki riewstad ain ia kiba ki nongsynshar ki shim jingiarap ha kaba iadei bad ki jingthoh jong ki.

➤ **JINGPYNBNA NE JINGSHNA IA KIAIN (LEGISLATION):-**

Ka ktien Legislation ka mut ka jingpynbna ia ki hukum ne ka jingshna ia ki ain dano re ba la pynkupbor ban leh kumta. Ki hukum ki Syiem bad nongsynshar, ki ain kiba mih na ki Iing dorbar ne Dorbar thawain la kynthup lang ha ka ktien 'Legislation'. Ngi lah ban ong namarkata ba ka ktien 'Legislation' ka mut ki hukum ne ki ain kiba pynmih da ki bor kiba ha khlieh eh jong ka Jingsynshar. Kumta haba ia kano kano ka ri la synshar da u Syiem, ka hukum u Syiem ka long ne ki ong 'Legislation' ne 'Decree'. Kumjuh ruh ha ka jingsynshar paidbah, ki ain kiba mih na ki ling dorbar ne Dorbar thawain ki ong 'Legislation'. Namar ia kine ki ain la pynmih da ki bor kiba ha khlieh duh jong ka jingsynshar ki ong 'Supreme Legislation'.

Hynrei ia kane ka bor kaba ha khlieh duh jong ka jingsynshar ban shna ia ki hukum ne ki ain, lah ban ai pateng ha kiwei pat ki bor ba kham hapoh bad ia kane ka bor ba la ai pateng ki ong 'Delegated' ne 'Subordinate Legislation'.

Ha ka jingsynshar paidbah ha ri India, ka Parliament ne ka State Assembly ki don ka bor ba ha khlieh duh ban thaw ain bad ia kane ki ong 'Supreme Legislation'. Hynrei ia kane ka bor ban shna ia ki ain, lah ruh ban pynshet ha kiwei pat ki bor ne ha ki katto katne ki kynthun jong ki briew (group of people) na kaba wan mih ka 'Autonomous Law' kum ka Council, ka kynthun jong ki Nongbishar na kaba wan mih ki 'Judicial Rules'. Kumjuh ruh ki Dorbar, Panchayat, Municipal na kaba sa wan mih ka 'Local Law' bad ha kito ki ri kiba synshar ha kiwei pat ki ri na kaba sa wan mih ka 'Colonial Law'.

Ha kine ki por mynta, kiba bun ki ain ki long ba la pynkupbor da ka 'Legislation' namar ki briew ki ngeit ba kine ki ain ki long kiba thikna, kiba shai, kiba da sngewthuh, kohnguh bad niewkor da ki briew ha ka ri baroh kawei namar shadien bad shalyndet jong ki, ka don ka jingpynkupbor jong ki nongsynshar.

➤ **KA NUKSA HA KAEI BA LA LEH MYNSHUWA (PRECEDENT):-**

Precedent ka mut ka nuksa ha kaei kaba la leh mynshuwa. Ha kaba iadei bad ka Ain, ka ktien 'Precedent' ka long kaba donkam shibun, namar ki rai jong ki Nongbishar ne lingbishar kiba mynshuwa ki trei

kam bad sakhi kum ka nongmuna ne nuksa ha ki jingialeh mokotduma kiba hadien khamtam haba kano kano ka jing bie ain ka iasyriem. Kumta ki rai jong ki court case kiba mynshuwa ki trei kam ha kaba iadei bad ka Precedent. Hynrei ngi dei ban kynmaw ba wat la ka jingmut jong ka ktien 'Precedent' ka mut ka nuksa ha kaei kaei kaba la leh mynshuwa, ka lingbishar ne u Nongbishar ki bud ryntih halor ki nongrim kiba ngi ong 'Principle' ne 'Doctrine of Precedent' bad kita ki long kumne:-

(i) Ban shim nuksa na kaei kaei kaba la leh mynshuwa, ka mut ban peit bniah, pule bad wad ia ka nongrim na kaba lah ban pyndei ne pynshongnia kum ka nongmuna ne nuksa ha kano kano ka rai mokotduma kaba mynshuwa.

(ii) Shisien ba la shim nuksa na kano kano ka rai mokotduma kaba mynshuwa ka dei ban bteng hadien kumjuh.

(iii) Ki rai jong ki Inglishar kiba halor ki teh ia ki Inglishar kiba kham hapoh.

(iv) Ban shim nuksa na kaei kaei kaba la leh mynshuwa ka kham iadei bad ki jingbe-ain kiba ktah ia u babun balang (public interest).

Da kaba shim nuksa ha kaei kaei kaba la leh mynshuwa ka kham pynsuk, ka pynkloi bad ka ai ia ka jinglong kajuh ha ki rai jong ka lingbishar. U Nongiasaid uba stad bad shemphang u dei ban don bad pule bha ia ki rai jong ki lingbishar ia kiba la thoh ha ki Law Journals ne Tribunals.

Naduh ki por hyndai ia ka jingdonkam jong ka Precedent ne kaba shim nuksa ha kaei kaei kaba la rai da ki Nongbishar ne lingbishar lah ban sngewthuh bad pyndonkam khamtam eh ha kiei kiei kiba long niam ne kynja mynsiem. Ban ai nuksa, ha ki Jiw ne ki Israel, ia ki hukum bad jingpynshitom ba la ai da U Blei lyngba u Moses la ju bud ryntih da ki khun Israel. Kumjuh ruh ia ki Hindu ki jingsneng jingkhaw jong ki riewniam bad ia kiba la buh ryntih ha ki jingthoh ka Mahabharat. Ka long ruh ba ki nong Babilon bad China ki khein kordor bad niewkor ia ki rai jong ki Inglishar kiba la slem bad ba la rim da kaba pyntreikam ia ki. Ha ka jingiadei bad ki ri ha ka pyrthei (International relation) la ju pyni bad ai nuksa da ki jingjia kiba la dep.

Ha ka ri England bad kito ki ri kiba bud ryntih ia ka Common

law, ki rai jong ki Nongbishar bad Ingbishar kiba mynshuwa ki trei kam shibun eh. Ka House of Lords kaba long ka Ingbishar ba heh duh ha ka ri England haba ka ai ia ka rai jong ka, ka teh ia kiwei pat ki rai jong ki Ingbishar ba hapoh jong ka.

Hynrei ha kaba iadei pat bad ka ain jong ki Roman, kim da niewkor eh ia ki rai kiba mynshuwa namar ki Nongbishar ki ai ai ka rai jong ki kat kum ki jingkdew ne jingthoh kiba la don lypa kiba ong 'Codes'. Ha ri France ki lingbishar ba hapoh kim da peit eh ia ki rai jong ki lingbishar ba halor hynrei ki ai ia ki rai ki jong ki kat kum ka jingshem ne jingsngewthuh halor ki kyndon ne ki rai ba la thoh ha ki 'Codes' ne 'Statutes' ia kiba la shon mohor da ki Nongbishar ne ki syiem.

Katba nang iaid ki por bad khamtam lei lei ha ki por mynta, ki jingbe-ain u briew ki long kiba kyllain bad jwat, bad ki nongbishar ne Ingbishar ki hap ban shna ia ki Ain bad ki rai kiba thymmai ki ban iadei dur bad ka jingstad buit u briew.

➤ **KA RUKOM IM NE JINGLEH BA LA SLEM (CUSTOM):-**

Ka ktien 'Custom' ka mut ka rukom im ne leh kaba la slem bad bud ryntih da ki briew ha kaba iadei bad ka imlang sahlang ha kano kano ka jaka kaba ki shong. Ha ka jingong u Salmond, 'Lada ha ka imlang sahlang, kano kano ka rukom im ne leh u briew kaba la slem bha, kaba wallam ne pynioh ia ki hok bad jingkitkhlieh lada kam don kano kano ka jingpyrshah jong u babun balang ki ong 'Custom'. Kane ka rukom im ne leh u briew kaba la slem bha bad haba la bud ryntih da u babun balang ka kylla ain. Kum ban shu ai nuksa, ka jingai jait sha ka kynthei, ka jingioh pateng ka khun khadduh ha ka rukom im ne leh ki Khasi ka kylla long 'Ain' bad la ithuh bad leh da u babun balang ha ka jaidbybriew Khasi Pnar.

Kumta ka rukom im ne leh u briew ba kan long 'Ain' ka dei ban don kine ki jinglong harum:-

a. Ka rukom im ne leh u briew ka dei ban long kaba la slem bha. Ban buh por halor ka jinglong ne jingleh kaba la slem bha ha kano kano ka imlang sahlang ba kan long ain ka long kaba eh

haduh katta katta. Don kiba ai jingmut ba ka rukom im ne leh u brierw kiba la rim bad slem bha haduh kumba 800 snem eiei ka long 'Ain'. Ha ri England ia ka rukom im ne leh ki nong England haduh ka jingsynshar u Syiem Richard - I ki khein ba ka long ka jingleh kaba rim bha la kaba la ithuh da ka ain.

b. Ka dei ban long kaba iabud ryntih lang baroh.

c. Ba wat lada don kino kino ki jingkylla ha ka rukom im ne leh u brierw kam dei ban kylla.

d. Ba baroh ki brierw ki dei ban burom ne bud ryntih.

Dei haba baroh kine ki jinglong ki don, ngi lah ban ong ba ka rukom im ne leh u brierw kaba la slem, ka kylla long ain. Ngi dei ruh ban kynmaw ba ka rukom im ne leh u brierw kaba la slem, ba kan long ain, ka dei ban long ba la ithuh da ki Nongbishar bad Ingbishar bad dei ban da don ka jingrai kaba thikna.

Kumno ki ri bad ki jaidbynrierw ki khein bad niewkor ha ka jingiadei bad ka rukom im ne leh u brierw ba kan long ain, to ngin ia peit khyndiat mynta.

Ha kaba iadei bad ki Roman bad shwa ban pynlong ain ia ka rukom im ne leh ki Roman da ka 'Justinian Code', ki Roman ki khein kordor bad burom ia kino kino ki rukom im ne leh u brierw kiba la slem.

Ha kaba iadei pat bad ki Hindu ha ka ri India, ia ka rukom im ne leh ki Hindu kaba la slem, ka kylla long ain, bad ia kane ngi lah ban sngewthuh ba ia ki ain jong ka ri India kiba la rim ia kiba la thoh ha ki 'Smritis' bad 'Srutis' ki dang trei kam haduh mynta.

Ha ka jingiadei pat bad ki Muslim, kim da khein eh ba kano kano ka jingleh kaba la rim bad slem ka kylla long ain, lada ka long pyrshah ia ka jinghikai u Prophet Mohammad. Ki Sunnis kiba long ka kynhun riewniam ki Muslim ki khein kordor ia kino kino ki jingleh barim ha ka jingiadei bad ki ain jong ki.

KA JINGBUH RYNTIH IA KI AIN KI KANUN HA KA RUKOM KUM KI 'CODE' (CODIFICATION)

Ka ktien 'Codification' ne 'Code' ka mut ka jingbuh ia ki ain ki kanun ha ka rukom kaba beit bad ryntih ban lait na kano kano ka jingbuh iadei ne jingiakynduh nia pyrshah. Kumba ngi la pule shakhmat ka ktien 'Legislation' ka mut ka jingpynbna ia ki hukum ne jingshna ia ki ain dano re ba la pynkupbor ban leh kumta kum ki ain kiba mih na ki Ing Dorbar ne Dorbar thawair. Ki ain kiba thymmai ki lah ban ia tyngkhuh bad ki ain kiba rim. Kumjuh ruh ka rukom im ne leh u briew ka iai kylla man ka por. Teng teng ki jingeh ki mih namar ba ki ain ki iapher ne iakynduhnia pyrshah ha kano kano ka ri, namar kata donkam ban buh ryntih ia ki ain ha ka rukom kum ki 'Code'. Ka ktien 'Codification' namar kata ka mut ka jingpynbna, ka jingpynlong, ka jinglum bad ka jingpynbeit ryntih ia ki ain ha ka rukom ba iadei lang ne iasohlang da ki bor synshar.

Ha ki rukom pyniaid ain jong ki ri ha pyrthei la ju buh ia ki ain ha ka rukom jong ki 'Code' kum ka 'Justinian Code' ki Roman, ka Jewish code, ka Chinese code bad kiwei de. Ha ka ri India jong ngi kane ka jingbuh ryntih ia ki ain ha ka rukom jong ki code ka sdang nyngkong eh ha ka snem 1833 ha kaba ka Charter Act 1833 ka la thung ia ka Law Commission kaba nyngkong ban leh ia kane da kaba shna ia ki code kum ka Indian Penal Code, Civil Procedure Code bad Indian Limitation Act. Ia ka Law Commission kaba ar la thung ha ka snem 1853 ha kaba la nang pynjanai shuh ia ki ain ha ka rukom jong ki code.

Ka ri India jong ngi ka long ka ri kaba don ka jingiapher ha ka rukom im ne leh ki briew, ka rukom trei ne rukom ktah, ka jingiapher jong ki ain ha kaba iadei bad u briew (Personal Law) ka donkam shibun eh ban don ka jingbuh ryntih ia ki ain ha ka rukom jong ki code. Kumta ki nongshna ia ka Constitution jong ka ri India lyngba ka Article 44 jong ka Indian Constitution ha ka Part IV kaba iadei bad ka jingbatai shaphang ki Directive Principles of State Policy ka ong, 'Ka Sorkar kan ialeh

shitom ban wallam ne pynioh ban buh ryntih ia ki ain ha ka jingiadei para briew (Uniform Civil code)'.

Shisien ba haba la buh ryntih ia ki ain kumne ka wallam ne pynlong ia ki ain kiba thikna (certain), kiba shisur (simple), kiba shongnia (logical), kiba neh (lasting) bad kiba ryntih (uniform). Da kaba leh kumne ka iarap ruh ban wallam ia ka jingiatylli bad ka jinglong kawei ha kano kano ka ri bad ka jaidbynriew.

Ka jingbuh ryntih ia ki ain ha ka rukom jong ki code ka lah ban wallam ruh ia kine ki jingeh harum:-

1. Ka pynlong ia ki ain kiba pyrkhing bad ka wallam ia ki jingeh haba donkam ia kano kano ka jingpynkylla ne jingpynbha ia ki ain.

2. Ka wallam ia ka jingbymbiang namar ym lah ban iohi lypa ia ki jingeh kiba lah ban mih da ka jingshna thymmai ia ki ain.

3. Ki rukom jingleh u briew ha ka imlang sahleng ki kylla na kawei ka por sha kawei pat bad ki lah ban iakynduhnia pyrshah ia kaei ba la thoh ha ki code.

4. Shisien haba ia ki ain la buh ryntih ha ka rukom kum ki code ka long kaba eh ban pynbeit ne pynkylla pat lait sa tang da ka rai jong ki ling dorbar ne Dorbar thawain.

VII

KA RUKOM PYNIAID BAN PYNIOH PAT IA KA HOK U BRIEW (ADMINISTRATION OF JUSTICE)

Shwa ba ngin sngewthuh shaphang ka rukom jingpyniaid ban pyniohpat ne wallam pat ia ka hok u briew ba la duh noh da ka Ingbishar, to ngin pyrshang ne sngewthuh shwa kaei ka jingmut jong ka ktien 'Civil Wrong' bad 'Criminal Wrong'.

Lada ngi phai sha ka lynnong 'Jingpynbynta ia ka Ain' ngi iohi ba ia ka 'Municipal Law' ne 'National Law' la pynbynta ha ki ar bynta, kata ka 'Public Law' bad ka 'Private Law'.

Ka ktien 'Civil Wrong' ka mut ka jingbakla ne ka jingbieain ha kano kano ka jingleh kaba ktah ia u briew shimet ha ka jingiadei parabriew kaba long ka bynta jong ka 'Private Law'. Ka ktien 'Criminal Wrong' ka mut ka jingbakla ne ka jingbie-ain ha kano kano ka jingleh kaba ktah ia u babun balang kum ha kaba synshar bad shah synshar kaba long ka bynta jong ka 'Public Law'. Baroh ar kine ki jingbakla ne jingbie ain ki pynduh noh ia ka hok u briew. Kumta haba u briew u la duh noh ia ka hok, donkam ban pynbeit ne pynioh pat ia kata ka hok kaba u la duh noh da ka Ingbishar. Kane ka ia iaaid ryngkat bad ka jingpynshitom ia u nongbe-ain ne nongbakla.

Kumta ka jingpynbeit ia kano kano ka jingbakla ne jingbe-ain kaba ktah ia u briew shimet (Private Interest) ki ong 'Civil Justice' bad ka jingpynbeit ia kano kano ka jingbakla ne jingbe-ain kaba ktah ia u babun balang (Public interest) kum ha kaba synshar bad shah synshar ki ong 'Criminal Justice'.

Ban wallam ne pyniohpat ia ka hok u briew ha kaba iadei bad ka 'Civil Justice' ki ong 'Civil Proceeding' bad ban pynshitom ia u nongbe-ain ha ka jingbakla ha kaba iadei bad ka 'Criminal Justice' ki ong 'Criminal Proceeding'.

➤ **CIVIL PROCEEDING:-**

Mynta ngin ia peit ia ki hok u briew kiba iadei bad ka. 'Civil Justice' khnang ban pynioh ha u ia kiba u la duh noh da ka 'Civil Proceeding'.

Don ar jaid ki hok u briew kiba iadei bad ka 'Civil Justice' ia kiba dei ban pynioh pat ha u haba u la duh noh bad kita ki long:

1. Ia ka hok u briew kaba dei jong u kaba u lah ban im, ban trei ban ktah, ban khih ban khan, ban pynbeit pynbiang ia lade ki ong 'Primary Right'. Nuksa – U briew u don ka hok ban iateh kular bad uwei pat na ka bynta kano kano ka jingthmu bad ia kata ka hok jong u ki ong 'Primary Right'.

Tharai mynta hapdeng jong ka jingteh kular, uwei na ki u pynkhein noh ia ka kular, uta uwei pat u duh noh ia ka hok (Primary Right) bad kumta ban pynbeit ia kata bad ban pynioh pat ia ka hok jong u ba la duh noh, ka lngbishar kan pynbor ia uta uwei pat uba pynkhein ia ka jingiateh kular ban pyndep ia kaei kaba u la iateh kular. Ia kane ka jingpynbeit ka lngbishar ki ong ka 'specific enforcement' ne ka 'specific performance'.

2. Ia ka hok kaba bud hadien ba u briew u la duh noh ia katei ka hok kaba nyngkong 'Primary Right' ki ong 'Remedial' ne 'Sanctioning Right'.

Tharai mynta u 'A' da ka jingthurmur u pyning ia ka iing u 'B'. kumta u 'B' u duh noh ia ka hok ban don iing ne shong iing. Namar ba um lah shuh ban pynioh pat ia kata ka hok kaba u 'B' u la duh noh, ka lngbishar kan pynbeit pat da kawei ka rukom bad kata ka long ba u 'A' un hap ban siew pat (compensate), ai bujli pat (restitute) bad da kaba pynshitom ia u namar ka jingbakla (penal redress). Ia kane ka jingpynbeit ne jingpynshitom, ki ong 'Remedial' ne 'Sanctioning Right'.

➤ **CRIMINAL PROCEEDING:-**

Ka jingpynbeit ia kano kano ka jingbe-ain ne jingbakla kaba iadei bad ka 'Criminal Justice' ki ong 'Criminal Proceeding' bad kawei na ki rukom ba ju leh ha ka Criminal Proceeding ka long ban pynshitom ia u briew uba la be-ain ne bakla (To punish the wrong doer) khnang ban wallam ia ka shongsuk shongsain (Law and Order) ha ka imlang

sahlang.

Don bun ki jingbatai kumno ban pynshitom ia u briew (Theories of Punishment) ia kaba ngin ia peit khyndiat:-

1. Ka jingpynshitom ban iada ba kano kano ka jingbe-ain ne jingbakla kan ym jia shuh (preventive treory of punishment):-

Kawei na ki jingpynshitom ia u briew uba la be-ain ne bakla ka long ban pynlong ia u ba un ym be-ain ne bakla shuh (disabling) ne ban iada (preventing) ba ka jingbe-ain ne jingbakla jong u kan ym jia shuh.

Ha ki por hyndai ia u nongtuh ba un ym tuh shuh ki dain ia ki kti jong u. ban iada pat ba un ym be-ain ne bakla shuh la pynshitom da kaba set phatok ia u ne pynryngkang par ia u ne pyniap ia u bad ia kine ki jingpynshitom la ju leh bad ki jingbe-ain kiba palat eh.

Ban iada pat ba kitei ki jingbe-ain ne jingbakla kin ym jia shuh la ju knieh noh ia ka hok u briew kum ka bym shah ia u ban trei pat ia ka kam (forfeiture of office) kaba u la bakla ne pynsangeh ia u shipor (suspend) na ka kam ba u trei ne pynduh noh bad khanglad ia u ba un trei un ktah da kaba knieh noh ia ka licence treikam bad kiwei de.

Kine ki jingpynshitom ki iarap shisha ban pynduna ia kino kino ki jingbie ain bad ban wallam ia ka shongsuk shongsain ha ka imlang sahlang.

2. Ka jingpynshitom ia u nongbe-ain ka long ban khanglad ne pyntieng ia kiwei ba kin ym be-ain ne bakla (deterrent treory of punishment):-

Da kaba pynshitom ia u briew uba la bakla ne bie ain ha khmat u babun balang kum kaba sympat ia u ha ki jaka paidbah, lynthem maw ia u bad kiwei de ki rukom jingpynshitom ka pynlong ia kiwei pat ban sheptieng khnang ba kin ym leh ia kano kano kaba bakla ne bie ain ha kaba iadei bad u babun balang.

3. Ka rukom pynshitom ia u briew da kaba pynkylla ia u (Reformative theory of punishment):-

Hateng hateng ka lah ban long ba u briew uba la be-ain ne bakla ka long na ka jingshitom kaba don ha ka met jong u kaba wallam ia ka jingtiot ha ka pyrkhat pyrdain ne jingbysngewthuh ia kaba bha bad ba sniew. Kumta ka jingthmu jong ka Criminal Proceeding ha kaba iadei bad kane ka long ban pynbha ia u khnang ba un lah ban long u briew uba myntoi ha ka imlang sahleng. Ia kane la ju leh ha ka jingiadei bad kino kino ki jingbe-ain ki bym da khia eh. Kaba ju leh ka long ban buh ia kine ki jait briew ha ki jaka sumar pang kum ki mental asylum, hospital bad kiwei de ki jaka sumar ban pynsngewthuh ia ki ia kaei ba ki la bakla bad ruh ban pynkylla ia ki khnang ba kin long ki nongshongshnong kiba don ka jingkitkhlieh.

Kane ka jait jingpynshitom ka kham iadei eh bad ki khynnah ne ki samla kiba hapoh 15 snem ia kiba ki ong 'Juvenile Offenders'. Ha ri India jong ngi ha ka snem 1890 la pynmih ia kawei ka ain ban buh da ki skul ki ban peit ia ki khynnah kiba hapoh 15 snem kiba la leh bakla ban ai bam ai dii, ai jain ai nep bad hikai ia ki kam ba pher kum ki kam karkhana ban pynbha pat ia ki. Ia kine ki skul la khot 'Reformatory School'.

Ha ka snem 1973 kawei ka rukom jingpynbeit kaba iadei bad ka Criminal Justice kaba ngi tip kum ka Criminal Procedure Code 1973 ka don ka kyndon kaba batai ba ia ki samla kiba hapoh 16 snem kiba la bakla ne be-ain yn peit da ka Ingbishar ba kyrpang hapoh ka jingpeit u Chief Judicial Magistrate ban bishar, ban sumar, ban hikai bad pynbha pat ia kum kine ki nongbie ain. Kane ka pyni ba ka jingthmu kaba kham kongsan ka long ban pynbha ia u briew ym ban pynshitom ia u.

4. Ka rukom pynshitom ia u nongbe-ain da kaba ai ia ka nong kat kum ki jingleh (retributive theory of punishment):-

Kawei pat ka jingpynshitom ia u briew uba la bakla ne be-ain ka long ban ai ia ka nong katba kum ki jingleh jong u ne pynhiarkput ia uba la be-ain. 'Ka khmat namar ka khmat bad ka bniat namar

ka bniat' ka long ba la ngeit bad ju leh da ki briew ha ki po hyndai bad kata ka long ba u briew uba pyiniap briew yn pyiniap pat ia u da kiba haiing hasem jong uta uba shah pyiniap. Hynre katba nangiaid ki por ia kane ka rukom pynshitom la niew ba ka long pyrshah ia ka imlang sahlang. Kumta dei ka State ne ka Sorkar ka ban peit ia kata da kaba buh ia ki Ingbishar ki bar bishar bad pynshitom ia u briew uba la bakla ne be-ain khnang ban wallam ia ka shongsuk shongsain ha ka imlang sahlang.

5. Ka jingpynshitom shaphang u briew u ba la bakla ne be-ain kumno un leh (expiatory theory of punishment):-

U briew uba la bakla ne be-ain bad haba la pynshitom ia u, u lait noh na kata ka jingbakla bad ka pop ka sang bad u long khuid pat. U Manu u riewpyrkhat ain ba pawnam ka ri India u ong, 'Ki briew kiba la be-ain bad haba la pynshitom da u Syiem ki la long khuid bad ki leit sha bneng kum kiba hok'.

Kumta lada ngi shim kyllum lang ia baroh kine ki jingbatai shaphang ka rukom pynshitom ia u nongbe-ain ne nongbakla, ka Criminal Justice jong ka ri Russia lyngba ka 'Soviet Criminal Code 1926' ka ong ba ka jingthmu jong ka rukom ban pynshitom ia u nongbe-ain ka long:

- (i) Ban pynlong ia u ha kaba un ym bakla shuh.
- (ii) Ban wallam ia ka shongsuk shongsain ha ka imlang sahlang.
- (iii) Ban pynbha pat ia u briew ba un long uba myntoi ha ka imlang sahlang.

Kumta kaba kut jong ka Criminal Justice ka long ban wallam ne pynioh ia ka shongsuk shongsain ha ka imlang sahlang.

VIII

KA JINGSHAIT BAN LAM SHA KA JINGBAKLA NE **JINGMYNSAW** **(LIABILITY)**

Ka jingshait ban lam sha ka jingbakla ne jingmysaw ia kaba ngi lah ban buh ha kawei pat ka ktien 'Jingkitkhlieh' ka long kaba donkam eh ha ka jingiadei bad ka ain, namar haba don kano kano ka jingpynkhein ia ka Ain, ka dei ban don ruh ka jingkitkhlieh. Ha ka imlang sahang kaba la shai (civilized society) ka jingiadei parabriew ne ka jingiadei hapdeng kaba synshar bad shah synshar la teh da ki hukum ne ki Ain. Ka Ain ka wallam ne ai ia u briew ki hok ba u dei ban ioh bad buh ia ki kamram kiba u dei ban leh. Namar kata ka ain ka hikai bad batai kaei kaba u briew u dei ban leh, kaei kaba um dei ban leh, bad kaei kaba pynlah ia u ban leh. 'The law prescribes what one is to do, what one is not to do and what one is entitled to get it done'. Uno uno uba pynkhein ia ka hukum kaba wallam ia ka jingjulong, jingmysaw, jingduh ne jingjynthut u hap ban kit khlieh ha lade. Kumta ngi lah ban ong ka ktien 'Liability' ka long ka jinglong u briew uba la bakla.

Mynta ngin peit bad pynbynta ia ki jaid jingkitkhlieh ne jingbakla:-

1. **CIVIL BAD CRIMINAL LIABILITY:-** Haba don kano kano ka jingpynkhein hukum ne jingbe-ain kaba wallam ia ka jingjulong, jingmysaw, jingduh ne jingjynthut ha ka jingiadei parabriew, ka jingkitkhlieh ka dei ha uta ne kata kiba pynkhein hukum ia kaba ngi ong 'Civil Liability'. Haba don pat kano kano ka jingpynkhein hukum ne jingbe-ain kaba wallam ia ka jingjulong, jingmysaw, jingduh ne jingjynthut kaba ktah ia u babun balang ha kaba iadei bad kaba synshar bad shah synshar, ka jingkitkhlieh ka dei ha uta ne kata kiba pynkhein hukum ia kaba ngi ong 'Criminal Liability'. U Austin uwei na ki riwstad ain u ong ba ka jingjynthut ne jingbakla kaba wallam ia ka jingduh ne jingpynsniew ia u briew shimet ki ong 'Civil Injury', bad ka jingjynthut ne jingbakla kaba wallam ia ka jingpynsniew ne jingduh ha kaba iadei bad ka ba synshar bad shah synshar ki ong 'Criminal Injury'.

Ban sngewthuh kham bha ngi lah ban pyniapher kumne:-

- (i) Ka ktien 'Criminal Wrong' ka mut ka jingbe-ain ne jingbakla kaba ktah ia u babun balang bad ka ktien 'Civil Wrong' ka mut ka jingbie ain ne jingbakla kaba ktah ia u briew shimet.
- (ii) Ban pynbeit ia ka jingbakla ha kaba iadei bad ka 'Criminal Wrong', ka donkam ka jingpynshitom bad ban pynbeit ia ka jingbakla ha kaba iadei bad ka 'Civil Wrong' ka donkam ka jingburia ne jingpynbha da kaba siew ne ai bujli.
- (iii) Ia ka jingpynbeit kaba iadei bad ka 'Criminal Wrong' ki ong 'Criminal Proceeding' bad ia ka jingpynbeit kaba iadei bad ka 'Civil Wrong' ki ong 'Civil Proceeding'.
- (iv) Ia ka jingkitkhlieh kaba iadei bad ka 'Criminal Wrong' ki ong 'Criminal Liability', bad ia ka jingkitkhlieh kaba iadei bad ka 'Civil Wrong' ki ong 'Civil Liability'.

2. Penal bad Remedial liability: Ia ka jingkitkhlieh kaba wallam ia ka jingjulor, jingmynsaw, jingduh ne jingjynthut lah ban pynbynta ha ki ar bynta kaba ki ong 'Penal' bad 'Remedial'. Hadien ka jingpynbeit ia kitei ki jingbakla bad haba uba la bakla ne kitkhlieh ia kitei ki jingleh u hap ban buria da kaba siew ne ai bujli pat ki ong 'Remedial Liability'. Hadien ka jingpynbeit ia kitei ki jingbakla bad haba pynshitom pat ia uba la bakla ne be-ain ki ong 'Penal Liability'.

3. Strict bad Vicarious liability: Ia ka jingkitkhlieh kaba wallam ia ka jingjulor, jingmynsaw, jingduh ne jingjynthut ha kaba uba la bakla u hap ban kit ha lade da ka jingleh jong u hi ki ong 'Strict Liability' bad ia ka jingkitkhlieh kaba wallam ia ka jingjulor, jingmynsaw, jingduh ne jingjynthut ha kaba uwei u hap ban kitkhlieh ia ka jingbakla uwei pat ki ong 'Vicarious Liability'. Ban ai nuksa u kynrad u hap ban kitkhlieh ia ka jingbakla u shakri namar ka jingiadei kaba don hapdeng jong ki.

Shaphang ka jingthew ia ka jingshait ban lam sha ka jingbakla ne jingmynsaw (Liability), to ngin ia pyrshang ban sngewthuh ia ki jaid jingleh (Acts) kiba iadei bad ngi ki briew bad kita ki long kumne harum:-

1. Positive bad Negative act: Haba u briew u leh kaei kaei kaba um dei ban leh bad ia kaba la mana da ka ain, ki ong ba kata ka jingleh jong u ka long kaba shai (Positive Act). Haba u briew um leh ia kaei kaei kaba u dei ban leh kat kum ka ain, ki ong ba kata ka jingleh jong u ka long ka bym shai (Negative Act).

2. Voluntary bad Involuntary act: Kano kano ka jingleh kaba da ka mon sngewbha ia kaba la mut bad la thmu ki ong 'Voluntary Act' hynrei ia kano kano ka jingleh kaba ym da ka mon sngewbha bad ruh khlem da mut bad thmu ki ong 'Involuntary Act'

3. Internal bad External act: Kano kano ka jingleh kaba treikam ha ka dohnud u briew kum kaba pyrkhat, thmu bad mut ki ong 'Internal Act' bad kano kano ka jingleh kaba treikam shabar ha ka met u briew ki ong 'External Act'.

4. Intentional bad Unintentional act: Ia kano kano ka jingleh kaba la thmu, kwah bad iohi lypa ki ong 'Intentional Act' bad ia kano kano ka jingleh kaba shu jia ryngkhat khlem da thmu, kwah bad iohi lypa ki ong 'Unintentional Act'.

5. Ka jingthew ha kaba iadei bad ka 'Civil Liability':

Ha kaba iadei bad kano kano ka jingpynkhein hukum ne jingbe-ain kaba wallam ia ka jingjulor, jingmynsaw, jingduh ne jingjynthut ha ka jingiadei parabriew 'Civil Wrong', ka jingthew ka long haduh katno kaba khraw (magnitude) kata ka jingduh ne jingjulor khlem da peit ia ka jingthmu, jinglong bad jingmut jong u briew uba leh be-ain da kaba pynlong ruh ia u ba u hap ban buria ia kaei kaba u la leh be-ain bad kaba wallam ia ka jingduh ne jingjulor. Hangne ngi don ban ong ba ka shong eh ha ka lingbishar ban rai ne pynshong nongrim ia kata ka jingduh ne jingjulor da kaba buria, siew ne ai bujli pat.

➤ KA JINGTHEW KABA IADEI BAD KA CRIMINAL LIABILITY:-

Shwa ba ngin sngewthuh ia ka jingthew kaba iadei bad ka Criminal Liability, to ngin ia pyrshang shwa ban sngewthuh ia ka jingmut jong kine ki ktien harum:-

1. Actus Reus:- Ka ktien 'Actus' ka mut ka jingleh bad ka ktien 'Reus' ka mut ba la mana da ka ain. Kumta ka ktien 'Actus

Reus' ka mut ka jingleh u briew kaba long pyrshah ia ka ain. Ha kaba iadei bad ka 'Actus Reus' dei ban don –

(i) Ka jingleh

(ii) Ka jingleh kaba long pyrshah ia ka ain.

(iii) Ka jingleh kaba pynlong ia ka jingjutor, jingmysaw, jingiap, jingduh bad jingjynthut.

2. **Mens Rea**:- Ka ktien 'Mens Rea' ka mut ka jingmut sniew (guilty mind). Kane ka treikam ban pynlong ia u briew ban leh ia kaei kaei kaba long pyrshah ia ka ain. Ka long ka jingthew kaba donkam eh ha kaba iadei bad ka jingkitkhlieh ne ka jingshait ban lam sha ka jingbakla ne jingmysaw. Kine harum ki pynlong ia ka 'Mens Rea'–

(i) **Intention**:- Ka ktien 'Intention' ka mut ka jingkwah ban leh ia kano kano ka kam kaba la tip lypa kaei ka ban jia.

(ii) **Motive**:- Ka ktien 'Motive' ka mut ba la thmu ne ba la mut ban pynioh ia ka jingkwah (Intention).

Kine ar ki don ka jingiadei kaba jan bad shisien pyrkhath, ka jingmut jong kine ar ki ktien ki ia syriem hynrei kim iadei ka juh. Dei ban don shuwa ka jingkwah (intention) ban leh ia kano kano ka kam kaba la tip lypa kaei ka ban jia bad kan sa wan ka jingthmu ne jingmut (motive) ban pynioh ia kata ka jingkwah. Ban ai nuksa, u 'A' u siat da ka suloi ia u 'B'. U 'A' u kwah ban pyniap ia u 'B' uba ialeh pyrshah ia u 'A' ha ka election kaba u 'B' u lah ban jop. Kumta da kaba pyniap ia u 'B' bad weng ia u 'B' na ka jingialeh election, u 'A' un ioh ia ka jingkwah jong u. kumta ka jingkwah u 'A' ban jop ha ka election ka long 'Intention' bad ban weng ia u 'B' na ka jingialeh election, u 'A' u thmu ne mut (motive) ban leh ia ka kam be-ain kata ban pyniap ia u 'B'.

Ngi lah ban ong namarkata ba ka ktien 'Motive' ka long ka jingmut bad jingthmu ba sha lyndet katba ka ktien 'Intention' ka mut ka jingtreikam ka mon ne jingkwah ban leh ia ka kam kaba paw shabar.

3. **Recklessness**: Recklessness ka long ka jinglong ba shapoh ka dohnud u briew kaba la tip bad iohi lypa ia ka jingma ka ban mih na kano kano ka jingleh khlem da salia ne pyrkhath ia ka

jingma ka ban jia. Ban ai nuksa kaba niah ia ka kali ha ka jingstet lyngba ka lynti kaba rit bad bun ki briew ka long ka jingleh kaba ki ong 'reckless'.

4. Negligence: Negligence ka mut ka jingleh ka bym da salia ne ka jingleh kaba long pathar khlem da husiar ne iada ia ka jingma ka ban mih da ka jingleh u briew.

Kumta ka jinglong (character), ka jingthmu (motive), ka jingkwah (intention), ka jingbypyrkhat lypa (recklessness), ka jinglehpathar (negligence) u briew ki long ki diengkot ban thew ia ka jingkitkhlieh ne jingshait ka ban lam sha ka jingbakla ne jingmynsaw (criminal liability). Ha kano ka rukom yn pynshitom ia u briew uba la leh be-ain ka shong eh ha ka Ingbishar ban ai ia ka rai kat kum ki jaid rukom jingpynshitom ia kiba ngi la dep pule ne batai ha ki lynnong ba shakhmat 'Ka jingpynioh pat ia ki hok u briew' 'Administration of justice' kaba iadei bad ka 'Criminal Proceeding'.

IX

KA JINGLONGTRAI **(OWNERSHIP)**

Ka jinglongtrai (Ownership) ka long kawei pat ka bynta jong ka jingpule kaba donkam shibun ha ka jingiadei bad ka Ain bad ka don ka jingiadei kaba jan bha bad ka jinglong ban bat ne don (Possession). Haba don ka jinglongtrai (Ownership) dei ban don ka jinglong ban bat ne don (Possession), bad haba don ka jinglong ban bat ne don dei ban don ka jinglongtrai. Ka long ka jinglong kaba iar bad bun syrtap. Ha baroh ki rukom pyniaid ain (Legal System), ha ki ri jong ka pyrthei, ka jinglongtrai ka ioh ia ka kyrdan kaba ha khmat bad kiba bun ki jingialeh mokotduma ki mih na ka daw ban pynioh ia ka jinglongtrai. Ha ka jingiadei bad ka ain jong ki Roman bad Hindu, ka jinglongtrai (Ownership) bad ka jinglong ban bat ne don (Possession) ki don ka jingiadei kaba jan hynrei ki jinglong pat ki iapher.

Ha ri England, ka jinglongtrai ka wan mih na ka rukom pyniaid bad pyndonkam ia ki jaka puta kaba ngi tip kum ka Feudal System. Ha kane ka rukom pyniaid ia ki jaka puta, ka jinglongtrai ia ka jaka ka mih na ka jingiabujli ia ka jingshakri. nuksa – U Syiem u ai jaka ia ki kynhun ki briew kiba ngi tip kum ki Landlord ban ioh ia ka jingshakri jong ki ha kaba pynbiang ia ka bor shipai na ka bynta u Syiem. Ki Landlord pat ki ai jaka ia ki nongrep ne nongshongwai ia kiba ngi tip kum ki Tenant ban ioh ia ka jingshakri jong ki ha kaba pynbiang ia ki marbam mardih bad ki jingmih na ka khyndew. Kumta kane ka hok ban bat ne don (Right of Possession) ia ki jaka puta ka pynioh ia ka jinglongtrai.

To ngin ia peit mynta ia ka jingmut jong ka jinglongtrai (Ownership) –

Kat kum ka jingbatai jong u Austin bad Holland kiba long ki riewstad ain, ka jinglongtrai ka long ka jingiadei hapdeng u briew bad kaei kaei kaba u kam kynti ia ka. Kumta ki ong ba ka jinglongtrai ka long ka hok kaba u briew u ioh ban kam kynti ha kaei kaei ha kaba ym don pud ha ka jingpyndonkam ia ka, ym don jingkhnglad ha kaba sam bad pyllait ia ka, ym don pud ha ka jingneh jong ka.

U Austin u pynbynta kumne harum:-

1. Kaba ym don pud ha ka jingpyndonkam ia ka (Indefiniteness in point of user):-

Kane ka long kawei ka jinglong kaba donkam eh ha ka jinglongtraï. Haba uno uno u bñiew u long traï halor kaei kaei kaba u ioh ban bat ne don, u lah ban pyndonkam ia ka katba u mon. U traï ka jaka u ioh ban thung ban tep, u lah ban shna ka lngshong ne leh kaei kaei ha la ka jaka la jong, hynrei u traï pat um lah ban pyndonkam ia kano kano ka jingdon jingem (Property) kaba lah ban ktah ia ka hok kiwei.

2. Ka bor ban pyllait, die ne sam ia ka (Power of disposal):-

Kawei pat kaba donkam ha ka jinglongtraï ka long ba u bñiew u lah ban leh katba u mon ha kaba pyllait, die ne sam ia ka jingdon jingem (Property) jong u. Ki Hindu ha ka jingiadei bad ka ain ki ong ba kane ka long ka jinglong kaba donkam eh ha kano kano ka jinglong traï. Hynrei don ruh u pud ba u bñiew um lah ban die ne sam ia ka jingdon jingem jong u ban iada na kino kino ki jinglehtuh (Cases of fraud).

3. Ka bym don pud ha ka jingneh jong kata ka jinglongtraï (Unlimited in point of duration):-

Kane ka long kawei pat kaba donkam ha ka jinglongtraï kaba mut ba ka hok ka jinglongtraï ka sah bad neh bad u traï katba u dang im. Hadien ka jingiap u traï, ka jinglongtraï ka leit sha u nongioh pateng.

U Holland u ong ba ka jinglongtraï ka long ka jingioh ban leh katba mon halor kaei kaei kaba u bñiew u longtraï. Kat kum ka jingong jong u, ka jinglongtraï ka ioh 3 tylli ki hok bad kita ki long-

(a) Ka jinglong ban bat ne don (possession).

(b) Ka jinglong ban ioh lehkmén (enjoyment).

(c) Ka jinglong ban leh katba mon ha kaba pyllait, die ne sam (disposition).

U Salmond pat, uwei na ki riewstad Ain, u ong ba ka jinglongtraï ka long kaba iar ka jingmut namar ka long ka jingiadei u bñiew bad ka hok kaba u ioh halor kaei kaei kaba u longtraï. Kumta u

shim ba ka jingmut jong ka jinglongtrai ka long ka hok ha kaei kaei kaba kam kynti da u briew.

Kumta haba ngi peit ban angewthuh ia kine ki jingbatai shaphang ka jinglongtrai, ka jinglongtrai ka pynioh ia kine ki hok –

(a) Ka hok ka jinglong bari bat ne don (Right of Possession).

(b) Ka hok ban ioh lehkmen (Right of Enjoyment).

(c) Ka hok ban pyllait, die ne sam (Right of Disposition).

➤ **KI JAID JINGLONGTRAI (KINDS OF OWNERSHIP):-**

1. **Corporeal bad Incorporeal:-** Ka jinglongtrai halor kaei kaei kaba long met tynrai ki ong Corporeal Ownership. Haba ka jinglongtrai ka long ha kaei kaei ka bym long met tynrai ki ong Incorporeal Ownership. Ka jinglongtrai halor kaei kaei ka bym long met tynrai ka kynthup ia ki hok ka jinglongtrai (Proprietary rights) kata kaei kaei kaba u briew u shna ne pynlong, ka hok ban trei ne pynlong kum ka jingthoh kot ne poetry, ka kyrteng bad ka nam ha ka khaii pateng kum ki Trade Mark, Trade Name, Business Goodwill, ka hok ban pyndonkam ia ka jaka ba long trai da kiwei (Lease) bad kiwei de ia kaba yn sa pynshai ha ka lynnong ka jingdon jingem (Property).

2. **Sole bad co-ownership:-** Ia ka jinglongtrai kaba long tang ha uwei u briew ki ong ka jinglongtrai marwei 'Sole Ownership' bad ia ka jinglongtrai kaba don bad long ha kiba bun briew ki ong 'Co-Ownership'.

3. **Trust and beneficial ownership:-** Ia kine ki jaid jinglongtrai lah ban iohi ha ka rukom pyniaid ia ka Trust. Ia ka jinglongtrai jong u Nongpyniaid ia ka jingdon jingem ba long trust (trust property) ki ong 'Trustee' bad ka jinglongtrai jong kito kiba ioh ban leh kmen ha ka jingdon jingem ba long trust ki ong 'Beneficial Ownership'.

Hangne ngin ia peit khyndiat kaei ka jingmut jong ka Trust. Ka trust ka long ka jingshaniah ha ka rukom pyniaid ia kano kano ka

jingdon jingem kaba la ai da uwei u briew na ka bynta ka jingmyntoi jong kiba bun. Ha ka Trust dei ban don u Nongai ia uba ngi ong 'Author of Trust', dei ban don u Nongpyniaid ia uba ngi ong 'Trustee', dei ban don ka jingdon jingem ba long trust ia kaba ngi ong 'Trust Property' bad dei ban don kiba ioh myntoi na ka jingdon jingem ba long trust ia kaba ngi ong 'Beneficiary'.

4. Legal bad equitable ownership: Ia ka jinglongtrai ba la ithuh da ka Common Law ne Common Court ki ong 'Legal Ownership' bad ia ka jinglongtrai ba la ithuh da ka Equity Court ki ong 'Equitable Ownership'.

5. Vested bad contingent: Ia ka jinglongtrai kaba long janai ki ong 'Vested ownership' bad ia ka jinglongtrai ka bym long janai bad ka ban long janai ynda la pyndep ia ki kyndon ki ong 'contingent ownership'. Vested Ownership ka long ruh 'absolute ownership' kaba mut ka jinglongtrai ba long pura bad 'contingent ownership' ka long ruh 'limited ownership' kaba mut ka jinglongtrai ba don u pud ne don pud.

➤ **KI RUKOM BAN IOH BAN LONG TRAI (METHODS OF ACQUISITION OF OWNERSHIP):-**

Ia ka rukom ban pynioh ia ka jinglongtrai lah ban pynbynta ha ki 2 bynta –

1. ORIGINAL:- Ia kane ka jinglongtrai ba la pynioh da ka jingleh uwei u briew lah ban pynbynta shuh ha ki 3 bynta –

(i) Absolute – Ka jinglongtrai ba long pura kum haba u briew u ioh ia kano kano ka met tynrai ka bym pat don trai ngi lah ban pynbynta ha ki ar bynta –

a. Occupatio – Ia kaei kaei ka bym don trai kum ka sim ha suin bneng ne dohkha ha um.

b. Specificatio – Halor kaei ia kaba u thaw ne pynlong na kano kano ka met tynrai jong uwei pat kum u nongshna durmaw ne ka dewbyrtha jong uwei pat.

(ii) Extinctive – Ka jinglongtrai uwei da ka jingleh ban pynduh ia ka jinglongtrai uwei pat kum haba uwei u briew u ioh

ban bat ne don halor kano kano ka jaka uwei pat lumba 12 snem u pynduh ia ka jinglongtraï.

(iii) **Accessory** – Ka jinglongtraï halor kaei kaei kaba nangheh bad nangiar katba nangiaid ka por. Nuksa – ki soh ha u dieng, ka jingmih na ka khyndew ne ki mrad ka dei ka jong u traï ki dieng, jaka bad mrad. Ka khyndew ba wan rah da ka um ha ka jaka jong no re ban nang pynheh shuh shuh ia kata ka jaka ka pynioh ia ka jinglongtraï.

2. **DERIVATIVE:-** Haba ia ka jinglongtraï la pynioh ha uwei u briew na ka jinglong traï uwei pat ki ong ‘Derivative’ kum ka jinglongtraï da ka jinghiarpateng (Inheritance), kaba thied (Sale), kaba pdiang da ka jingai (Gift) ki hap ha kane ka kyrdan jinglongtraï

X

KA JINGLONG BAN BAT NE DON **(POSSESSION)**

Ka jinglong ban bat ne don (Possession) ka long kaba donkam ban sngewthuh ha ka jingiadei bad ka Ain. Haba ngi ioh ban bat ne don ia kano kano ka met tynrai, ka pynshisha ba ngi long trai ia ka. Kumta ka don ka jingiadei ba jan hapdeng ka jinglong ban bat ne don (Possession) bad ka jinglongtrai (Ownership). Ka jinglong ban bat ne don ia kaei kaei wat la ka long bym dei la ka jong ka ioh ia ka kyrteng ba bha ha khmat ka pyrthei tad haduh ban da lah ban pynshisha ia ka jinglongtrai.

Ha kawei na ki jingialeh mokotduma ia kaba la ai kyrteng 'Armorie bad Delamirie' uwei u khynnah pynkhuid atoskhana u la ioh tam ia uwei u mawlynnai bad u la leit rah ia uta u mawlynnai sha ka dukan jong u nongdie mawlynnai ban tip ia ka dor jong uta u mawlynnai ba u ioh tam. U nongdie mawlynnai um shym la pynphai shuh ia uta u mawlynnai ba la ioh tam uta u khynnah halor ka nongrim ba uta u khynnah um dei u trai jong uta u mawlynnai. Kumta baroh arngut, kata uta u khynnah bad u nongdie mawlynnai, ki la leit sha ka lngbishar ban kylli mano ba long trai. Haba la tohkit bad bishar ia kane ha khmat ka lngbishar, ka rai jong ka lngbishar ka long ba u nongdie mawlynnai u dei ban pynphai noh ia uta u mawlynnai sha uta u khynnah namar uno uno uba ioh ban bat ne don nyngkong halor kano kano ka met tynrai u ioh ia ka kyrteng ba bha ha khmat ka pyrthei tad haduh ban da pynshisha ia ka jinglongtrai.

Ka jinglong ban bat ne don kaba la slem ka ioh ia ka jinglongtrai bad ka jinglongtrai kaba la slem khlem ka jinglong ban bat ne don ka duh noh.

Namarkata ka jinglong ban bat ne don (Possession) ka long ka jinglong kaba donkam shibun eh khamtam ha kino kino ki jingbe-ain kiba iadei bad ka jingdon jingem (Property) la ka long ha kaba iadei bad u briew shimet (Civil) ne bad u babun belang ba iadei bad kaba synshar bad shah synshar (Criminal).

Kat kum ka jingbatai jong u Saviny uba long uwei na ki riewstad ain u ong ba ha ka jinglong ban bat ne don dei ban don ar tylli kine ki jinglong harum:-

1. Corpus possessionis ne corpus: Ka jingmut jong kine ki ktien ka mut ka bor ban bat ha lade ia kano kano ka met tynrai bad ban ym shah iano iano ban knieh kynthet ia kata ka met tynrai, ka pynioh ia ka jinglong ban bat ne don. Nuksa – u khynnah haba u bat bad kdup ia ka ball ha lade bad um shah iano iano ban knieh kynthet na u, ka long ka jinglong ban bat ne don. Ka bor ban bat ha lade ia kano kano ka met tynrai ka shong ruh ha ka jinglong jong kata ka met tynrai. U mrad uba u briew u ri ne sumar bad uba don ka jingmlien ban wanphai sha la iing hadien ba u la shang makia baroh shisngi, u pynioh ia u trai ia ka jinglong ban bat ne don.

2. Animus:- Ka jingmut jong kane ka ktien ka mut ka jingthmu ban bat ha lade ia kano kano ka met tynrai ban ioh ban long trai halor jong ka. Ka jingai kyrteng ia kata ka met tynrai, ka jingpynbha ia ka, ka jingrah ia ka nawei shawei ka pynioh ia ka jinglong ban bat ne don bad kino kino ki jingleh kiba pynpaw ia kata ka jingthmu ki pynioh ia ka jinglong ban bat ne don. Teng teng ka lah ban long ba wat la u briew um lah ban bat ne don ha lade ia kano kano ka met tynrai, hynrei ka jingleh jong u ha kaba iadei bad kata ka met tynrai ka ialam shata, u ioh la ka jinglong ban bat ne don wat la um don markhmat bad kata ka met tynrai.

Nuksa – lada u briew u ieh noh ia ka jingdon jingem (Property) jong u ha India da ka jingthmu ban wan phai pat, u ioh ia ka jinglong ban bat ne don (Possesion) wat la um ioh ban bat ha lade ne don markhmat bad kata ka jingdon jingem (Property) jong u.

➤ **KA RUKOM BAN PYNIOH IA KA JINGLONG BAN BAT NE DON (ACQUISITION):-**

Hadien ba ngi lah sngewthuh ia ka jinglong ban bat ne don to ngin ia pyrshang ban sngewthuh ia ka rukom ban ioh ia ka jinglong ban bat ne don ia kaba ngi lah ban pynbynta ha ki 3 bynta -

1. Da kaba shim (By taking): Da kaba shim (By taking) ka long ka jingleh jong uno uno u briew ban pynioh ha lade ia ka jinglong ban bat ne don. Kaba shim ka lah ban long tynrai (Original) haba u briew u shim ia kano kano ka met tynrai ka bym don trai kum haba u briew u kem ia u mrad khlaw. Kaba shim ka lah ruh ban long pateng (Derivative) kum haba u briew u shim ne ioh ia kano kano ka met tynrai kaba la kam kynti ne longtrai da uwei pat.

2. Kaba ai (Delivery): Kaba ai (Delivery) ka long kawei pat ka rukom ban pynioh ia ka jinglong ban bat ne don. Kaba ai ka lah ban long kaba beit bad kaba shisha (Actual) ha kaba u 'A' u ai ia ka baje ha u 'B'. kaba ai ka lah ruh ban long pateng kum kaba ai ia u shabi jong ka ling da ka jingthmu ban ai ia ka ling (Constructive).

3. Ka jingpyntreikam ka ain (By operation of Law): Kane pat ka long ka rukom jong ka jingpynioh ia ka jinglong ban bat ne don da ka jingpyntreikam ia ka Ain kum ha kaba pynkynriah ia kano kano ka met tynrai na ka jinglong ban bat ne don jong uwei u briew sha uwei pat. Nuxa – haba u briew u la iap, ka jinglong ban bat ne don ka long noh ha ki nongioh pateng jong u.

➤ **KI JAID JINGLONG BAN BAT NE DON (KINDS OF POSSESSION):-**

1. Corporeal bad incorporeal possession: Ka jinglong ban bat ne don halor kaei kaei kaba long met tynrai ki ong 'Corporeal Possession' bad ka jinglong ban bat ne don halor kaei kaei ka bym long met tynrai ki ong 'Incorporeal Possession'. Kumta ia ka jinglong ban bat ne don halor kaei kaei kaba long met tynrai ka long ruh ka jinglong kaba long shisha (Possession of fact) bad ka jinglong ban bat ne don halor kaei kaei ka bym long met tynrai ka long syriem ia ka jinglong ban ioh ka hok ban leh kmen (Possession of right).

2. Mediate bad Immediate possession:- Haba u kynrad u phah ia

**u shakri ban thied jain bad haba ia kata ka jain katba um pat lah
ban pynpoi ha ka kti u kynrad ia kata ka jinglong ban bat ne don
jong u ki ong 'Immediate Possession' bad u kynrad u ioh ka
jinglong ban bat ne don kaba ki ong 'Mediate Possession'.**

XI

KA JINGDON JINGEM **(PROPERTY)**

Ka jingdon jingem (Property) bad ka jinglongtraí (Ownership) ki long ki jinglong kiba don ka jingiadei ba jan. kat kum ka jingbatai jong ki riewstad Ain, kine ar ki ialong kawei. Ka jingdon jingem ka dei ban don ka jinglongtraí bad ka jinglongtraí ka dei ban don ka jingdon jingem.

Haba u briew u ioh ne don ka hok ban pyndonkam halor kano kano ka met tynrai ne jinglong ngi ong u long traí (Owner) bad ia kata ka met tynrai ne jinglong ngi ong ka jingdon jingem (Property) jong u. Kumta ka ktien jingdon jingem (Property) bad ka jinglongtraí (Ownership) ki ia long kawei.

Ha kaba iadei bad ka Ain ka ktien jingdon jingem (Property) ka kynthup ia baroh ki hok kiba u briew u ioh ne don kum –

1. Ka jingim, ka jinglailuid, ka nam kaba don bad u briew shimet ki ong ka jingdon jingem jong u.
2. Ka hok ka jinglongtraí (Proprietary Rights) kum ka jaka, ka Ing ka sem, ki kot ki dular kiba pynshisha ia ka jinglongtraí jong u.
3. Nalor kitei ka jingdon jingem u briew ka kynthup ruh ia ka jinglongtraí halor kano kano ka met tynrai ha kaba u ioh ban bat bad leh kmen.
4. Bad kiei kiei kiba donkam na ka bynta ka jingroi jingman jong u shimet.

➤ KI JINGBATAI SHAPHANG KA JINGDON JINGEM **(THEORIES OF PROPERTY):-**

Don bun ki jingbatai kumno u briew u ioh ne kam halor kiei kiei kiba u longtraí bad ngin ia peit khyndiat harum:-

1. **Ka natural theory:-** Kane ka jingbatai ka ong ba haba u briew u ioh ban bat (occupy) halor kano kano ka met tynrai u don ka hok ban kam kynti bad lehkmen. Namarkata ka long ka jingdon jingem jong u. Hynrei ia kane ka jingbatai ym shym la pdiang da kiba bun ki riewstad Ain namar kat kum ka jingong jong ki, u

briew khlem da ioh ban bat halor kano kano ka met tynrai u ioh ban kam kynti kum ka jingdon jingem jong u. Nuxa u briew u lah ban don shabar ka ri hynrei wat la um ioh ban bat ne don markhmat bad ka met tynrai ne jinglong, u long hi u trai.

2. Ka labour theory:- Kawei pat ka jingbatai ka ong ba ka jingdon jingem u briew ka long kaba mih na ka jingtreishitom (Labour) jong u. Kat kum kane ka jingbatai, kano kano ka met tynrai ia kaba la shna da u briew ka dei ka jingdon jingkam jong u. Hynrei kane ka jingbatai ka don khyndiat ka jingduna ban ai jingshai halor ka jingdon jingem u briew namar lada uno uno u briew u shna ia kano kano ka met tynrai jong uwei pat, ka jong no kata ka jingdon jingem kan long? Ia kane ym lah ban ai jingshai da ka Labour Theory.

3. Ka state created theory:- Kane pat ka jingbatai ka ong ba ka jingdon jingem u briew ka dei ka jingpynlong jong ki bor synshar (State) namar lada uno uno u ong ba u don ka jingdon jingem ne ki hok, khlem jingartatien dei ki ki bor synshar kiba peit ba u lah ban ioh lehkmien halor ki jingdon jingem jong u.

Don sa kiwei pat ki jingbatai kum ka Metaphysical Theory kaba ong ba ka jingdon jingem u briew ka iarap ba un pynroi pynbha ia lade, ka Historical Theory kaba batai ba ka jingdon jingem ka wan mih na ka jingroi (Development) ha la ka ri kaba long na kawei ka por sha kawei pat.

Kumta ngi sngewthuh ba kine ki jingbatai ki don ka jingshisha hynrei kim da lah ban ai jingpynshai halor ka jingdon jingem u briew.

Wat ha ki ri kiba ka State ka long trai halor baroh, ka jingdon jingem ka jong u briew shimet ka long kaba donkam khnang ba lah ban wallam ia ka jingroi kaba iadei bad u babun balang. Hynrei ngi dei ban kynmaw ba ym don mano mano ba lah ban don ka jinglontrai kaba pura bad ka State ka dei ban don ka bor bad buh u pud halor ka jingdon jingem u briew.

➤ **KI JAID JINGDON JINGEM (KINDS OF PROPERTY):-**

Ia ka jingdon jingem u briew ngi lah ban pynbynta ha ki ar

bynta bad kita ki long –

1. Ba long met tynrai (Corporeal).
2. Bym long met tynrai (Incorporeal).

1. KI JINGDON JINGEM BA LONG MET TYNRAI (CORPOREAL):-

Ki jingdon jingkam ba long met tynrai lah ban pynbynta ha ki ar bynta –

(i) Ki jingdon jingem ba lah ban pynkhih (Movable property) – Ki kynthup ia ki jingdon jingem halor kano kano ka met tynrai ia kaba lah ban rah ban rong, ban kit ban bah ban shallan na kawei ka jaka sha kawei pat.

(ii) Ki jingdon jingem bym lah ban pynkhih (Immovable Property) – Ha kaba iadei bad ka jingdon jingem bym lah ban pynkhih (Immovable Property), U Salmond uwei na ki riewstad Ain u pynbynta kumne –

a. Khyndiat bynta jong ka niamra ba sha traiduh.

b. Ka haw haw shabar ka niamra kynthup ka Lyer bad Jingshai.

c. Baroh kiei kiei kiba don shalor ha ka jingtap jong ka niamra kum ki mar khyndew, bad ki dieng ki siej ba shu mih kumto.

d. Baroh kiei kiei ba buh bad shna da u briew kum ki lng ki sem, ki kynroh bad ki jingker.

Ban pynskhem ia kine ki kyndon ka Indian Registration Act 1908 bad ka Section - 3 jong ka Transfer of Property Act ki ong, “Ka jingdon jingem bym lah ban pynkhih (Immovable Property) ka kynthup ia ki jaka, jingtei, ki lynti syngkien, ka lyer, ka jingshai, ka jaka pynlong kadlieng, ki pung dohkha bad kino kino kiei ki jingnyntoi ba lah ban ioh na ka niamra, kiei kiei kiba snoh ha ka niamra ne iasnohang ha kiei kiei kiba dei jong ka niamra lait noh ki dieng ba la pynkhylllem, ki jingthung bad u phlang.

2. KI JINGDON JINGEM BYM LONG MET TYNRAI (INCORPOREAL):-

Ia ki jingdon jingem bym long met tynrai ia kiba ithuh da ka rukom pyniaid ain lah ban pynbynta ha ki ar bynta bad kita ki long

(i) Ka hok ka jinglongtraí (Proprietary Rights) ha kaei kaei kaba u briew u shna ne pynlong, ka hok ban trei ne pynlong kum ka jingthoh kot ne poetry, ka kyrteng bad ka nam ha ka khaii pateng kum ki Trade mark, Trade name, Business goodwill bad kiwei de.

(ii) Ka hok ban pyndonkam ia ka jaka ba longtraí da kiwei (Lease), ka jingpyndonkam kaba don u pud halor kano kano ka jaka kum ka lynti syngkien kaba dei jong u briew shimet (private servitude) bad ka Sorkar (public servitude), ka jingai ban pyndonkam ne longtraí da kaba ia bujli kum Mortgage, Lien, Assignment bad kiwei de bad ruh ka jinglongtraí ki briew ha kano kano ka met tynrai ba ai da kiwei (Trust) bad ia kine ngin kham ioh jingshai haba ngi pule ia ka Ain kaba iadei bad ka jingdon jingem (Property Law).

➤ **KA RUKOM BAN IOH NE KAM KYNTI**
(ACQUISITION OF PROPERTY):-

Don saw tylli ki rukom ban ioh ne kam kynti bad kita ki long –
1.Haba u briew u ioh ban bat (Occupation) halor kano kano ka met tynrai ne jinglong u don ka hok ban kam kynti ne leh kmen.

2.Haba u briew u ioh ban kam kynti halor kano kano ka met tynrai ne hok hadien ba la kut ka por kaba pyndam noh ia ka hok u briew.

3.Kaba kam kynti da ka jingsngewthuh jingmut (Agreement).

4.Kaba kam kynti na ka jinghiarpateng (Inheritance).

KA JINGBATAI HA KA RUKOM PYNSHONGNIA IA KI
KYNTIEN PYNLONG AIN
(STATUTORY INTERPRETATION)

Ha ka lynnong kaba shakhmat kaba iadei bad ki tynrai na kaba ka ain ka wan mih (Sources of Law) ngi la lah sngewthuh ba ki Ain kiba mih na ki ling Dorbar ne Dorbar Thawain ki ong 'Legislation' bad ia kine ki ain ngi ong ki ain ba la pynskhem (Statute Laws). Ia kine ki ain la buh ryntih ha ki jingthoh kiba shai. Ka shong pat sa ha Ingbishar (Court) ban batai bad pynshai bad ia kata ka jingbatai bad jingpynshai ki ong 'Interpretation'. Ha kane ka bynta u nongbishar u hap ban ai ia ka rai da kaba pynshong nongrim halor 'ki kyntien' bad 'jingmut' ba la thoh ha ka ain.

Ia kane ka rukom jingbatai bad jingpynshai ngi lah ban pynbynta ha ki ar bynta –

1. **LATERAL INTERPRETATION**:- Kaba long kat kum ki jingthoh (Letters) ha ka Ain.
 2. **LIBERAL INTERPRETATION**:- Kaba long kat kum ka jingmut ne jingthmu (Intention) ha ka Ain.
1. **LATERAL INTERPRETATION**:- Ka long ka jingbatai kat kum ki jingthoh (letters) ha ka Ain. Ha kane ka jingbatai u Nongiasaid (Advocate) bad u Nongbishar (Judge) kim dei ban iaid palat ia kaei ba la thoh ha ka Ain (Litera Legis). Ka kam jong ka Ingbishar ka dei ban peit kaei ka jingthmu jong ki nongthawain (Legislators) bad ia kane ka jingthmu dei ban pynshong nongrim ha ki kyntien jong ka Ain. U Nongbishar um lah ban pyntam ne pynduna ia kaei ba la thoh ha ka Ain. Ia kane la ju bud ryntih da ka Civil Law bad ka Common Law. U Lord Brougham u ong, 'Ka jingbatai ka dei ban long beit kat kum ki kyntien jong ka Ain bad ym lah ban weng ne pynduh ia ka jingthmu jong ki Nongthaw ain lane ngim lah ban iarap ei ei haba don ka jingduna ne jingbymbiang ha ki kyntien jong ka Ain'. Kumta ngi lah ban sngewthuh ba ka jingbatai ka long beit ba la pynshong nongrim ha ki kyntien jong ka Ain.

Hynrei ngi lah ban ong ba ki jingbatai ba la pynshong nongrim ha ki kyntien ka Ain ki don ruh ka jingduna haba ki kyntien (Letters) kim biang ban sngewthuh ia ka jingmut bad jingthmu. Kumta haba ka Ingbishar ka pynshong nongrim ia kano kano ka rai ha kane ka rukom jingbatai ka lah ban pynmih ia kaei kaei kaba long pyrshah ia ka jingthmu jong ka Ain.

2. **LIBERAL INTERPRETATION:-** Ka long ka jingbatai ha kaba u Nongiasaid (Advocate) ne Nongbishar (Judge) ki lah ban leit palat ia ki kyntien (Letters) bad peit kaei ka jingthmu kaba kham kongsan eh ia kaba la thoh ha ka Ain. Nalor kata ia ka jingbatai hap ruh ban pynshong nongrim ne pynshongnia kat kum ka jingiaid ka por, ka jingroi ha ka imlang sahlam, ka jingdonkam jong ka ain. Kumta u Nongbishar u shim ia kine baroh bad u sa ai ka jingrai ne jingbatai ba shongnia.

Kumta halor kine ar ki jingbatai (Interpretation) kine harum ki long ki rukom ba ju leh –

(i) **GOLDEN RULE** – Kane ka rukom ka long ba ka jingbatai kat kum ki kyntien (Letters) ba la thoh ha ka Ain ki long tang ban shu sngewthuh ia kaei ka jingmut ne jingthmu jong ka iing Dorbar ne Dorbar Thawain. Hynrei haba shem jingeh hap ban shim jingiarap ruh na kiwei pat ki tynrai jong ka Ain (Sources of Law), kaba mut ba ka lah ban iaaid palat na ki kyntien (Letters) ba la thoh ha ka Ain.

(ii) **MISCHIEF RULE** – Kane ka rukom ka long ban peit –

a. Kaei ka jingduna.

b. Kaei ka jingbakla.

c. Kaei ka jingiarap ba lah ban ai.

d. Kaei ka jingthmu bad jingiarap jong ki Ain kiba mynshuwa kaba pynlong ba ka iing Dorbar bad

Dorbar Thawain kin pynbna ia ki Ain kiba thymmai.

Kumta ha ka jingbatai shaphang ka Ain wat ka kyrteng (Title), ka rukom jingthoh ban pynithuh ia ka jingthmu (Preamble), ki jingkynthoh, ki jingbatai, ki section, ki schedule bad ki rukom buh dak sangeh, dak kyrpang (Punctuation) ki long kiei kiei kiba ngi hap ban pyrkhat bad shimkhia.

XIII

U BRIEW NE JINGLONG BRIEW (PERSON)

Ka ktien briew ne jinglong briew ka long kaba donkam ba ngin sngewthuh ha ka jingiadei bad ka ain. Ka ktien 'Briew' (Person) ka wan mih na ka ktien Greek 'Persona'. 'Persona' ka mut u briew uba deng ne phong ia ka jingdeng (Mask) na kaba ngi iohsngew ia ka jingsawa kaba wan mih. Hadien ia kane ka ktien la pyndonkam ia kito ki briew kiba ialeh kai drama ne ki actor ne actress ha kaba la pynkup bor ia ki hok ne kamram ha ka jingialeh kai jong ki. Kumta kan sa wan mih ka jingiapher hapdeng ka jinglong u briew (Personality) bad ka jinglong briew (Humanity). Ha ka ain ka jinglong u briew (Personality) ka kham iar ha ka jingmut ban ia ka jinglong briew (Humanity) bad ia kane ka jinglong u briew kaba iadei bad ka ain ki ong 'Legal Personality'.

Kumta ka jinglong u briew ka long ar rukom. Ia ka jinglong u briew kaba iadei bad ka ain ki ong Legal Personality bad ka jinglong u briew ka bym iadei bad ka ain ki ong Natural Personality.

Kat kum ka jingong jong u Salmond uba long u riewstad ain, kano kano ka met tynrai ne jingdon jingkam kaba la niew da ka ain kum u briew ki ong 'Legal Person'. Kumta ka ktien 'Legal Person' ka kynthup ia kano kano ka met tynrai (Object), ka jingdon jingkam (Property), ka rukom ka jingpynneh (Institution) bad ka kynhun ki briew (Association, Organisation). Ia kine la niew da ka ain ba ki long ki briew (Legal Person) bad ki don la ki jong ki hok bad ki kamram. Kumta haba ka ain ka pynlong ne mut kum u briew ia kano kano ka met tynrai ki ong 'Animus' bad ia kata ka met tynrai ki ong 'Corpus'.

Kine harum ki bym don jingim ia kiba la niew da ka ain kum ki briew –

- **Ka blei thaw (Idol):**– Ia ka bleithaw la niew bad ithuh da ka ain kum u briew. Ka don ka jingdon jingkam (Property). Ka lah ban leit sha ka ain haba ka duh noh ne ban pynioh ia ka hok jong ka.

- **Ka State:-** Ka State ka long kum u briew ba la ithuh da ka ain. Kat kum ka Article 300 jong ka Constitution ka ri India ka ong 'Ka Sorkar India ne kano kano ka State ha ri India ka lah ban leit sha ka ain kum u nongmudui ne nongshahmudui'.

Ki corporation, company, association, society bad ki seng nongtrei:-

Kat kum ka Transfer of Property Law 1882 (Section – 5) ka ong ba ki Corporation, Company, Association, Society bad kino kino ki Seng ba la register da ki briew bad ba la ithuh da ka ain (Legal Person) bad kumta ki lah ban leit sha ka ain kum ki nongmudui ne nongshahmudui. Kumta ia ki Company ba seng kat kum ka Indian Companies Act, ki Society ba la seng kat kum ka Society Registration Act ne Seng Nongtrei ba la seng katkum ka Trade Union Act ki dei ki briew ba la ithuh da ka ain (Legal Person).

- **Ki mrad (Animals):-** Ki mrad kim dei ki briew ha ka jingiadei bad ka ain. Kim don hok bad kamram. Hynrei ki don ki rukom pyniaid ain (Legal System) ha ki katto katne ki ri ha kaba la niew ia ki mrad kum ki briew bad la ju wallam ia ki kum ki briew sha ki jingbishar kum ki nongmudui bad shahmudui. Ha Germany la ju wallam ia u syiar ha ka ruh syiar namar ka jingkyinh kulmar jong u khlem dei por bad namar ba kiwei ki jingthaw bym don sner kim lah ban sakhi ia u, la pyniap noh ia u. Ha kaba bun ki rukom pyniaid ain ia u mrad ym lah ban niew kum u briew. Dei ka jingleh u briew ha kaba iadei bad u mrad ba sa niew ba ka jingbakla u mrad ka dei ka jingbakla u trai uba ri ia uta u mrad bad kumta u trai u hap ban kitkhlieh ia kaei ba u mrad jong u, u leh.

Mynta ngin ia peit ia kiwei pat ki jinglong jong u briew kum ka kyrdan (Status) bad ka jinglah (Capacity) –

- **Ka kyrdan (Status):-** Ka ktien kyrdan (Status) ka mut ka jinglong u briew ha kaba u don ki hok ne ki kamram kum u dkhot jong kano kano ka kynhun. Ka jinglong khynnah (minority), ka jingshong kurim (marriage), ka kam bad ka jingtrei (office, profession), ki long ki kyrdan (status) ha ka jingiadei jong u kum u dkhot ha kano kano ka kynhun kaba u don.

• **Ka jinglah (Capacity):-** Ka mut ka bor jinglah u briew haba u don ha kano kano ka kyrdan. U briew u don bun ki jinglah. Lada u briew u long u nongbishar u don ka jinglah ban bishar (Judge) bad ha kajuha por u don ka jinglah kum u nongshong shnong (Citizen). Wat la ka jinglah jong u ka long ar ban (Two-fold) kam mut ba u don ar rukom ka jinglong u briew hynrei tang kawei. Nuksa – u briew uba ai ram um lah ban mudui ia lade haba u long u nongshim ram na ka bynta kano kano ka kynhun briew.

Kiwei pat ki briew kiba la ithuh da ka Ain (Legal Person) kum ha ri England ki long kine ar –

1. Corporation Sole.
2. Corporation Aggregate.

To ngin ia peit mynta ia kine ar kum ki briew ba la ithuh da ka ain (Legal Person) –

1. **Corporation sole:** ‘Corporation Sole’ ka mut ka kyrteng kynthup lang ia ki briew kiba dei ban ioh pateng kum u Syiem. Kane ka ktien ‘Corporation Sole’ ka dang wan mih shen bad ka jingthmu ba buh ia kane ka ktien ka long ban pynbeit ia kino ki jingbakla ne jingeh ha ka jingioh pateng ia ki jaka kiba bat da ki riewniam kat kum ka hok ba ki ioh na ka bynta ka kam kaba ki trei. Hadien pat la pyndonkam ia kane ka ktien ha ki kam office. Ka nuksa ban ai ha kaba iadei bad ka Corporation Sole ka long ka jinglong u Syiem ha ri England. Haba iap u Syiem, ki nong England ki ong ‘U Syiem u la iap, im slem u Syiem’, ‘The King is dead, Long live the King’. Ia ka jingiapher u syiem ka ri England kum u briew ha ka jingiadei bad ka ain (Legal Person) bad kum u briew (Natural Person) la batai shai ha ka Crown Proceeding Act 1947. Ka Commonwealth kaba ka kyrteng kyllum lang jong ki ri kiba hapoh ka jingysnsnar ka ri England ki niew bad khein ba ka khet (Crown) ka ieng na ka bynta ki jingiatylli ki ri jong ka Commonwealth. Kiwei pat ki nuksa ba lah ban ai ha kaba iadei bad ka Corporation Sole ka long U Post Master General jong ka ri England bad u Solicitor jong ka Treasury bad kiwei de.

2. **Corporation Aggregate :-** Corporation Aggregate ka mut ka kyrteng kyllum lang jong ki briew kiba kwah ban trei ia kano kano ka kam da kaba iaseng lang ne snohkti lang. kumta ia ka jinglong u briew ha kaba iadei bad ka ain (Legal person) la ai ha ka kynhun ki briew ne 'Corporation'. Ka ktien Corporation ka long kynrei naduh ka snem 1200 haduh 1400 A. D. ha kaba la seng ia bun ki kynhun treikam ki briew ia kiba ngi tip kum ki 'Borough bad Trade guilds'. Kumta namar ka jingbun eh jong kine ki Corporation la sngew donkam ba dei ban don da ka ain kaba thikna bad kumta ha ka snem 1862 la pynmih ia ka Company Act kaba nyngkong eh. Ki briew ki lah ban ialum lang ne ialang na ka bynta ban khaii pateng da kaba ki pyndep ia ki kyndon ba la buh kat kum ka Act. Ia kine ki Corporation la khot 'Corporation Aggregate' ne 'Company'.

Ngi dei ban kynmaw ba wat la ia ki Corporation ne Company la ithuh da ka ain kum ki briew (Legal Person) hynrei kine kim dei ki briew (Natural Person) bad kumta ym lah ban niew ia ki kum ki nongshong shnong (Citizen). Ki don la ki jong ki hok bad ki jingkit khlieh. Lada don kano ka jingbakla na ka liang jong ki ha ka jingiadei bad ka ain yn peit bad wallam ia ki ha ka Civil Proceeding ym ha ka Criminal Proceeding namar ka long kaba eh ban thew da ka Mens Rea jong ka Criminal Proceeding ha kaba iadei bad uba bun ba lang. Wat la katta ruh kim lait na ka jingkitkhlieh haba ki leh ia kano kano ka kam be-ain lada ka long ba ki nongtrei kam jong ka ki la bakla.

XIV

KI HOK BAD KI KAMRAM **(RIGHTS AND DUTIES)**

Ka ktein 'Hok' ha ka jingmut shisur ka kynthup ia shibun kiei kiei. Ha kaba iadei bad ka ain, ka ktien 'Hok' ka mut 'Ka jingthaw ia ka jingleh ba la shah da ka ain'. 'The standard of permitted action by Law'. Kumta ia ka hok ba la ithuh da ka ain ngi lah ban ong 'Hok Kynti' ne 'Legal Right'.

Ia kane ka hok la teh da ka hukum ne ka ain bad kano kano ka jingpynkhein hukum ne jingknieh noh ia kane ka hok ka long kaba bakla ha uta uba pynkhein hukum namar ha u ka dei ka kamram (Legal Duty) ban pynneh ne pynioh ia ka hok uwei pat. Kumta ka kamram (Legal Duty) jong uwei u briew ka long ban pynneh ia ka hok uwei pat. Ka kamram u briew ha kaba iadei bad u Blei ne Nongbuh Nongthaw ka long ka kamram kaba kynja mynsiem (Spiritual Duty). Kumjuh ruh ka kamram u briew ka long ban leh ia kaba bha (Moral Duty). Hynrei ka kamram kaba iadei bad kaba pynneh ne pynioh ia ka hok u briew ka dei ka Legal Duty.

Kumta ngi lah ban sngewthuh ba ka hok bad ka kamram ki don ka jingiadei kaba jan bad ym lah ban pyniakhlad ia ki. Haba don ka hok ka don ruh ka kamram. Ka jingiadei jong ki ka long kum u kpa bad u khun . ym lah ban don u kpa khlem u khun bad u khun khlem u kpa. Ka long kum ka pisa kaba ha kawei ka liang ka don ka hok bad ha kawei ka liang ka don ka kamram. Dei na ka hok jong uwei ba sa wanmih ka kamram ia uwei pat bad dei ka kamram uwei ban pynneh ia ka hok uwei pat.

Kine harum ki long ki jinglong (Characteristics) jong ka hok kynti (Legal Right) –

1. Dei ban don mano re mano ha kaba yn pynkhamti ne pynkupbor ia ka hok.
2. Kiwei ki dei ban hun ne iaishah ha kaba uwei un ion leh kmen ha ka hok jong u.
3. Ka dei ka kamram jong uwei ban pynneh ia ka hok uwei pat.

4. Ka hok ha kaba u briew u lah ban lehkmen ka long ha kano kano ka met tynrai ne jinglong.

5. Dei ban don ka kyrteng ban pynshisha ia kata ka hok ne jinglong.

Kumta ngi lah ban ong ba ka hok kynti (legal right) ka kynthup ia uta ha uba la pynkupbor ne pynkhamti ia kata ka hok (object), ka jinghun ne jingiaishah (forbearance), ka met tynrai ne jinglong (subject), ka kamram (duty), bad ka kyrteng (title).

Ban ai nuksa, u 'A' haba u thied ia ka jaka na u 'B' u long trai ia kata ka jaka. Kiwei ki dei ban don ka jingiaishah ne jingithuh ia kata ka jinglongtrai u 'A' ha kaba u 'A' u lah ban leh kmen bad kata ka long ka jaka u 'A' bad ka kyrteng ban pynshisha ia kata ka jinglongtrai.

Ka hok kynti (legal right) ha ka jingmut ba iar jong ka, ka kynthup ia kine harum –

1. Ka hok (Right)

2. Ka jingteh (Binding)

3. Ka jingkitkhlieh (Liability)

4. Ka jingbymlah bad jingbymshah (Disability)

Ngi dei ban kynmaw ba ka jingiadei hapteng ki Nongsynshar bad kiba shahsynshar kam don ne dei kata ka jingiadei hapteng ka hok bad ka kamram (Right – Duty relationship) namar u nongsynshar u hukum bad kiba shah synshar ki kohnguh.

➤ **KA JINGPYNBYNTA IA KI HOK BAD KI KAMRAM** **(DIVISION OF RIGHTS AND DUTIES:-**

• **KI HOK (RIGHTS) –**

La ki hok ngi lah ban pynbynta kumne –

1. **Antecedent right bad remedial right:** Kano kano ka hok ka bym don ka jingiadei ne shaniah ha kawei pat ka hok, ia kata ka hok ki ong kaba ha shuwa 'Antecedent Right'. Nuksa – u 'A' u don ka hok ba ym dei mano mano ban pynbudnam ia u. Hynrei haba kawei ka hok ka don ka jingiadei ne iasmohlang bad kawei pat, ia kata ka hok kaba bud ki ong 'Remedial Right'. Nuksa – lada uno uno u pynbudnam ia u 'A', u 'A' u don ka hok ban leh ei ei halor kata ka jingpynbudnam.

2. Perfect right bad imperfect right – Ka hok kaba don ka kamram sha lyndet (correlative duty) ia kaba la pynjari da ka ain ki ong ‘Perfect Right’. Ia ka hok ka bym don ka kamram sha lyndet ki ong ka ‘Imperfect Right’. Hangne ngi don ban ong ba haba ka ain ka ai ia ka hok ha u briew dei ban pyniohpat ia kata ka hok lada ka long ba u lah duh noh kaba mut ba ka dei ka kamram uwei pat ban pynioh ne pynneh ia kata ka hok. Hynrei ki don ruh ki hok ia kiba ym lah ban pynioh pat haba u briew u la duh noh namar ha ka ain u don u pud (Statute of Limitation) ha kaba uno uno u Nongmudui um lah ban jam haba la dier ka por. Wat la ka hok ka don hynrei ym lah ban pynioh pat ha u haba u la duh noh ia kata ka hok. Ia kane ka hok ki ong ‘Imperfect Right’.

3. Positive bad negative right – Ka hok kaba shai (Positive Right) ka dei ka hok kaba don sha lyndet jong ka, ka kamram bad ka long ka hok kaba khlain bad ithuh da ka ain bad ka hok ka bymshai (Negative Right) ka long pyrshah ia ka hok kaba shai.

4. Right in rem bad right in personam – Ka hok kaba u briew u don ha khmat ka pyrthei bad ha khmat u briew baroh bad ruh ia kaba la ithuh da ka ain ki ong ‘Right in rem’. Ia kane ka hok ym lah ban knieh’ne shimnoh na u bad u lah ban leh kmen ha ka ne long trai ia ka bad ka dei ka kamram kiwei ban pynneh ia kata ka hok jong u. Ka hok kaba u briew u don ha kano kano ka jingiateh kular ne ka kam shimet jong u badno re badno ki ong ‘Right in personam’. Haba u ‘A’ u trei ia ka kam u ‘B’, u ‘A’ u don ka hok ban ioh bainong na u ‘B’.

5. Legal bad equitable right – Legal Right ka mut ka hok ia kaba la ithuh da ka ain. Ka mut ka hok kynti. Nuksa – u trai ling u ioh ka hok kynti halor ka ling ba u shong, katba u nongshongwai ha kata ka ling u ioh ia ka hok myntoi ‘Equitable Right’. Ka jingiapher ia kine ar ka long ba ka Common Law ka ithuh tang ia ka hok kynti katba ka Iingbishar ka Chancery ka ithuh ym tang ia ka hok kynti hynrei ruh ia ka hok myntoi. Bunsien ngi shem ba kine

ar ki hok ki ia tyngkhuh bad teng teng ka hok myntoi ka long halor ka hok kynti.

➤ **KA KAMRAM (DUTIES):-**

- **Ka positive duty** – Ka long ka kamram kaba shai ha kaba uwei u dei ban leh ei ei ia uwei pat. Lada uwei u briew u shah pisa ha uwei pat, ka dei ka kamram ban siew ia ka pisa kaba u la shim ram.

- **Ka negetive duty** – Ka Negative Duty pat ka long ka kamram ban iaishah bad hun ha kaba uwei um dei ban tuklar ia ka hok uwei pat. U briew haba u don ka jaka ym don mano mano ba lah ban tuklar ha ka jingpyndonkam jong u ia kata ka jaka.

XV

Ki Hok Tynrai (Fundamental Rights)

Shuwa ba ngin ia peit ia ki hok tynrai (fundamental rights) kumba la thoh ha ka Constitution jong ka ri India, to ngin ia pyrshang ban sngewthuh kaei ka jingmut jong ki hok tynrai.

Ki hok tynrai (fundamental rights) ki long kiba donkam ia u brieve ba u lah ban pynbit pynbiang ia lade ha kaba iadei bad ka rukom pyrkhath, rukom leh bad jinglong mynsiem. Kine ki hok tynrai ki teh ia ki brieve la ka long ki nongthawaiñ, nongshynshar bad shah synshar ban niew kyntang ia ki bad ban ym shah iano iano ruh ban pynduh pyndam ia ki. Kumta haba u brieve u sngewthuh ne shem ba u la duh noh ia kine ki hok tynrai, u dei ban leit sha ka Ingbishar ban wad jingiarap khnang ba lah ban pynioh pat ha u ia ki hok ba u la duh noh. Ka jingthmu jong ka jingkyntup lang ia kine ki hok tynrai ha ka Constitution jong kano kano ka ri ka long ban pyni shynna ba ym don mano mano ba lah ban knieh kyntet ia ki bad ban pynioh ia ka jingsynshar bad jingbishar ba shongnia shongaif khnang ba lah ban wallam ne pynioh ia ka hok bad jinglailtuid u brieve ha ka Imlang Sahlang, ka ri bad ka jaidbynrieve.

Hynrei ngi dei ban kynmaw ba haba u brieve u ioh ia kine ki hok, dei ban don ruh u pud ha kaba u brieve u leh kmen ha kine ki hok, ioh ba haba u leh kmen ha ka hok jong u, u pynduh noh ia ka hok kiwei pat.

Ban batai, pynshai bad pynshongnongrim halor kine ki hok tynrai kiba la thoh ha ka part III jong ka Constitution ka ri India, U Nongbishar Bhagwati, ha kawei na ki Supreme Court case ia kaba ngi tip kum ka "Maneka Gandhi Case" u ong kumne 'Ka rukom kaba beit eh ban pynshai ne pynsngewthuh ia kine ki hok tynrai (fundamental rights) ka long ban pyniar ne pynphriang ia ka jingmut jong ki, ym ban khaiot ne kjit tang ha ki kyntien bad ba kawei pa kawei ka hok ia kaba la thoh ka don ka jingiadei bad kawei pat'. Dei ban pyndei ia ki ha ka ban pynlong kawei ban wallam ia ka jingbishar ka bym niew shiliang ne iashah shiliang. 'Their waters must mix to constitute the grand flow of unpimpeded and impartial justice'

Kumta u brieve u donkam ka jingiada ia kine ki hok na ki bor sorkar. Ki hok tynrai ia kiba la ai ia u brieve ne nongshongshong kumba

la thoh ha ka part III jong ka constitution ka long ba ki bor sorkar kin hap ban pyntrei kam ia ki.

Kat kum ka Art 12 jong ka Constitution ki bor sorkar ki kynthup ia kine harum:-

1. Ka sorkar kmie bad Parliament ka ri india.
2. Ka sorkar jylla bad Assembly ki state ha ri India.
3. Ki bor sorkar ba treikam ha ki jaka bad shnong ba pher ha ri India.
4. Ki bor sorkar ba treikam hapoh ka jingpeit ka sorkar India.

Ka jingpynbynta ia ki hok tynrai (Classification of fundamental rights).

Ia ki hok tynrai kumba la thoh ha ka Part III jong ka Constitution ka ri India lah ban pynbynta kumne:-

1. Ka hok ka jingiarngkat (Right to Equality) (Article 14 - 18).
2. Ka hok ka jinglailtuid (Right to Freedom) (Article 19 - 22)
3. Ka hok ba long pyrshah ia ka jingshah lehbein ne ban bein (right against exploitation) (Article 23 - 24)
4. Ka hok ka jinglailtuid ha ka jingngeit niam (Right to freedom of religion) (Article 25 - 28).
5. Ka hok ka rukom leh bad pule puthi (Cultural and Education Right) (Article 29 - 30).
6. Ka hok ban wad jingiarap ba long constitution (Right to constitutional Remedy) (Article 32 - 35).

Ia ka hok jong ka jingdon jingem (Right to Property) kaba long mynshuwa ka hok tynrai kumba la thoh ha ka Article 19(I)(f) bad Article 31 la pynduhnoh namar dei ban don pud ha ka jingdon jingem u brierw bad ki bor sorkar ki lah ban shim ia ka jingdon jingem u brierw na ka bynta kano kano ka jingdonkam jong ka.

1. Ka hok ka jingiarngkat (Right to Equality Art 14-18):

Ka Article 14 jong ka Constitution ka pynioh ia ka hok jong ka jingiarngkat ia baroh u nongshong shnong ka ri India ha khmat ka Aifi (Equality before Law) bad jingiada ka Aifi (Equal protection of Law) bad ka jingiarngkat ha ka kyrdan bad kabu ia kaba la thoh ha ka jingbatai khmat (Preamble) jong ka Constitution.

Ban pynioh ia kane ka jingiarngkat kyrdan ha baroh ki nongshong shnong ka ri India, ki Article 15,16,17,18 ki pynshai kumne-
Article 15 ka khanglad ia kano kano ka jingshah lehbein ne ban

bein kaba iadei bad ka jingngeit niam, ka jinglong jaid bad kur, ka jinglong shynrang kynthei bad jaka shong jaka sah (Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth).

Art. 16 ka ailad ia ka jingiaryngkat ha ki lad ki kabu jong ka jingioh kam bad jingthung kam (Equality of opportunity in matters of employment).

Art. 17 ka pynduh ia ka jinglong bapoh bad bakhraw kaba wam mih na ka caste system jong ki Hindu (abolishes untouchability).

Art. 18 ka khanglad ia ka jingainam - aiburom khlem nongrim (abolishes title) hynrei ka jingainam bad burom kum ka 'Bharat Ratna', 'Padma Vibhushan' bad 'Padma Sree' ka long shabar ka Article 18 namar ki long ka nam bad burom ban ai ia uno u nongshong shnong ka ri India namar ki kam ba bha ba u la leh.

2. **Ka hok ka jinglaitluid (Right to freedom Art. 19-22):**

Ka Jinglaitluid shimet u briew ka long kaba donkam eh na baroh ki hok tynrai (fundamental rights) bad ia kane ka jinglaitluid shimet la thoh ha ki Article 19 haduh 22 jong ka Constitution ka ri India.

Ka Article 19 jong ka Constitution ka ai ia ki hok ka jinglaitluid bad kita ki long -

(a) Ka jinglaitluid ban kren ne batai (freedom of speech and expression)

(b) Ka jinglaitluid ban ialang ne ialong kynthun (freedom to form assembly)

(c) Ka jinglaitluid ban iaseng lang (freedom to form association).

(d) Ka jinglaitluid ban khih ban khan (freedom of movement)

(e) Ka jinglaitluid ban shong shnong ne buhai shnong (freedom to settle and to reside).

(f) Ka jinglaitluid ban trei ban ktah, ka jingpynbit ha ki kam ki jam ne khaii pateng (freedom of occupation, profession, trade or business).

Ia kine ki hok jong ka jinglaitluid la ai tang ha ki Nongshong shnong (citizen) ka ri bad ha ki briew ba shisha (natural persons) katpa ki nongwei (alien ne foreigner) bad kito ba la ithuh da ka aifi kum ki

briew (Legal persons) kim lah ban ioh ia kine ki hok.

Hynrei ngi dei ban kynmaw ba wat ia u briew u lah ban ioh ia ki hok jong ka jinglaituid, hynrei dei ban don pud halor kata ka jinglaituid, ioh ba haba u leh kmen halor ki hok jong u, ka pynwit ne ktah pat ia u babun balang. Kumta ka dei ban don ka jingkhang lad ba shongnia (Reasonable Restriction) halor ka jinglaituid bad ia kane ka jingkhanglad ba shongnia la thoñ ha ki clause 2 haduh 6 jong ka Article 19.

Mynta ngin ia peit ia kine ki Article harum kiba ai ia ki hok jong ka jinglaituid bad ia ki jingkhang lad ba shongnia halor kata ka jinglaituid.

(i) Ka Article 19 (1) (a) ka ai ia ka jinglaituid ban kren ne batai (freedom of speech and expression).

Hynrei ia kane ka hok la buh pud da ka Article 19(2) kaba aibor ia ka Sorkar ne State ban khang lad da kaba shongnia na ka bynta ka jingshngain ka ri, ka jingiadei jong ka ri bad kiwei pat ki ri, ka jing shongsuk, ka jinglong babit babiang u babun balang, ka jingbym kohnguh ia ki rul ka Ingbishar, ka jingpynbudnam, ka jingpynwit bad jingpynshlur kaba lah ban ktah ia ka bor ba ha khlieh (Sovereignty) bad ka jinglong ba pura (Integrity) ka ri.

(ii) Ka Article 19 (1) (b) Ka pynioh ia ki Nongshong shnong ka ri ka hok ban ialang ne ialong kynhun (freedom to form assembly) khlem da rah ia ki tiar pynmynsaw ne kieng atiar ban pynlong jingialang (hold meeting) bad dei kane ka hok kaba pynioh shisha ia ka jingsynshar paitbah kaba beit bad ryntih.

Hynrei ia kane ka hok la buh pud da ka Article 19 (3) kaba ai bor ia ka Sorkar ne State ban khanglad lada kano kano ka jinialang ka long kaba be-aif, kaba thmu ban leh kam sniew, kaba thmu ban leh bor ne pynibor, ne kaba iaid palat ia ka bor ne rukom synshar jong kino kino ki bor Sorkar.

(iii) Ka Article 19 (1) (c) ka ai lad ia baroh ki Nongshong shnong ka ri ban ia seng lang (right to form Association) ym tang ban ia seng lang hynrei ruh ban ia snohlang ha kata ka kynhun ba la seng.

Hynrei ia kane ka hok la buh pud da ka Article 19 (4) na ka bynta ka jinglong ba pura (integrity) bad ka bor ba ha khlieh (Sovereignty) ka ri bad na ka bynta ka jingbha u babun balang.

(iv) Ka Article 19 (1) (d) ka ai lad ia baroh ki Nongshong shnong ka ri India ban khih ban Manne leit nawei shawei (freedom of movement) hapoh la ka jong ka ri.

Hynrei ia kane ka hok la buh pud da ka Article 19(5) na ka

bynta ka jingbit jingbiang u babun balang (interest of the public) bad na ka bynta ban iada ia ki riwulum ne jaid bynriew barit paid (Protection of interest of scheduled tribes).

(v) Ka Article 19 (1) (e) ka ailad ia baroh ki nongshong shnong ka ri ka hok ban shong shnong ne buhai shnong (To settle and to reside) ha kano kano ka bynta jong ka ri.

Hynrei ia kane ka jinglailtuid la buh pud da ka Article 19 (5) na ka bynta ka jingbha u babun balang (interest of the general public) bad na ka bynta ban iada ia ki riwulum ne jaid bynriew ba rit paid (protection of interest of scheduled tribes).

(vi) Ka Article 19 (1) (g) ka ai lad ia baroh ki Nongshong shnong ka ri ban trei ban ktah, ka jingpynbit ha ki kam ki jam ne khail pateng (freedom of occupation, profession, trade and business).

Hynrei ka Article 19 (6) ka buh u pud na ka bynta u babun balang ban pynlong kyrpang ia ki kam ki jam kiba u briew u trei, bad pynlah ia ka Sorkar ne State ban shimti ia kino kino ki jaid kam shiteng shiliang ne baroh ha lade.

Ka Jingiada ha kaba iadei bad ka jingpynrem ia kino kino ki jingbe-aif. (Protection in respect of conviction for offences)

Ka Article 20 jong ka Constitution ka ai ka jingiada ha kaba iadei bad ka jingpynrem ia kino kino ki jingbe-aif.

Ban pynioh ia kane ka jingiada ki Clause 1 haduh 3 jong ka Article 20 ki pynshai kumne:-

i. Ka Jingiada pyrshah ia ki Aif ba mynshwa (Ex. Post facto Law)

Kat kum ka clause 1 jong ka Article 20 ka ong "Yn ym pynshitom ia uno uno u briew ha ka nongrim ba u leh be-aif lait noh lada u la pynkheif ia ka Aif kaba dang trei kam ha ka por ba u la leh be-aif, lane yn ym pynshitom ia u palat ban ia kata ka jingpynshitom kaba pyntri kam da ka Aif ha ka por ba u la leh be-aif".

ii. Ka jingiada na ka Jingpynshitom arsiem. (protection against double jeopardy)

Kat kum ka clause 2 jong ka Article 20 ka ong 'Yn ym pynshitom ia uno uno u briew na ka bynta kajuha jing be-aif'.

iii. Ka jingiada na ka bynta ka Jingsakhi ne Jingkynnoh iade.

(Prohibition against self-incrimination)

Kat kum ka clause 3 jong ka Article 20 ka ong 'Yn ym pynbor ia uno uno u briew ban sakhi ne kynnoh da lade halor ki jingleh ba be-aifi jong u'.

Ka jingiada ia ka jingim bad jinglaitluid ba shimet u Briew

(Protection of life and Personal Liberty)

Ka Article 21 jong ka Constitution ka ai ka jingiada ia ka jingim bad jinglaitluid ba shimet u briew bad ka ong 'Yn ym pynduh ia ka jingim bad jinglaitluid u briew, lait sa tang ha ka rukom ba dei ia ka Aifi' 'No man shall be deprived of his life and personal liberty except according to procedure established by law'.

Shuwa ka jingrai halor ka case 'Maneka Gandhi' ka Article 21 ka ai ia ka hok ban im (right to life) bad ka jinglaitluid shimet (personal liberty) pyrshah ia kano kano ka jingiaid palat ki nongsynshar (Executive) lait noh ki Nongthawaiifi (Legislators). Ka Sorkar ka lah ban buh pud halor kine ki hok u briew da ka Aifi kaba thikna. hynrei hadien jong kane ka case, ka Art 21 ka iada ia ka hok ban im bad jinglaitluid u briew ym tang na ka liang ki Nongsynshar hynrei ruh na ka liang ki Nongthawaiifi. Ban pynduh ia kine ki ar tylli ki hok dei ban da don ki aifi bad rukom leh kiba thikna, kiba hok, kiba janai bad shongnia. Kane ka Article ka don ruh ka jingiadei kaba jan bad ka Article 19 bad Article 14. Namarkata kano kano ka Aifi kaba pynduhnok ia ka jinglaitluid shimet u briew ha ka Article 21 hap ban da jiar sani bha da ka Article 14 bad 19 jong ka Constitution.

Kine harum ki long ki hok ka jingiada ia ka jingim bad jinglaitluid shimet u briew:-

- i. Ka hok ban leit jingleit shabar ri (right to travel aboard).
- ii. Ka hok ban im kat kum ka rukom briew (right to live with human dignity).
- iii. Ka hok ban long kyrpang (right to privacy).
- iv. Ka hok ban ioh shong ing (right to settle).
- v. Ka hok ban im (right to livelihood).
- vi. Ka hok ka jingkoit jingkhiah bad shah sumar (right to health and medical assistance).
- vii. Ka hok ban ioh ka um bad lyer ba khuid (right to get pollution free water and air).
- viii. Ka kamram ba iadei bad ki Doctor (Professional obligation of doctors).

- ix. Ka hok u Nongshah set byndi (Prisoner's right).
- x. Ka hok ka jinglait luid ban joh ka jingiarap ka aifi (right to free legal aid).
- xi. Ka hok ban pynkloi ia ki rai Ingbishar (right to speedy trial).
- xii. Ka hok pyrshah ia kaba pyndait hatkheri ia u Nongkam bymman (right against Prisoner's hand cuffing).
- xiii. Ka hok ban ym shah leh beifi leh khoh (right against illtreatment).
- xiv. Ka hok pyrshah ia kano kano ka jingpynslem ban pyndep ia ka kam (right against delayed execution).
- xv. Ka hok pyrshah ia ka jingshah kem bym shongnia (right against illegal arrest).
- xvi. Ka hok pyrshah ia kano kano ka jingkulmar ha Ingbyndi (right against custodial violence).

Ka jingiada ia ka jingshah kem bad jingshah set bym shongnia.
(Safe guard against arbitrary arrest and detention)

Ka Article 22 jong ka Constitution ka ai ia ka Jingiada ia ka jingshah kem bad jingshah set bym shongnia ha kaba iadei bad ka jingim bad jinglaitluid shimet u briew, da kaba buh ki kyndon ba shongnia ka ka Aifi kaba lah ban knieh noh ia ka hok ba la ai da ka Article 21.

Ka Clause 1 bad 2 jong ka Article 22 ka ai jingbatai ia ka rukom ba dei ban leh ha kaba kem ne set ia u nongkam bymman uba la leh ia ka kam be-aifi (detention under the ordinary law of crime).

Ka Clause 3 haduh 7 jong ka Article 22 ka ai jingbatai ia ka rukom ba dei ban leh ha kaba kem ne set ia u briew ban iada na kaba leh kano kano ka kam be-aifi (person detained under prevenative detention Law).

Ka Clause 1 bad 2 jong ka Article ka ai ia kine 4 tylli ki hok ia u briew uba shah kem ne set haba u la leh ia ka kam be-aifi:

- (i) Ka hok ban tip ia ka nongrim ne ka daw ba la kem ia u.
- (ii) Ka hok ban wad nongiarap u ban iasaid na ka bynta jong u.
- (iii) Ka hok ba dei ban wallam ne pyni ha u Magistrate hapoh 24 kynta hadien ba la kem ia u bad lada shem ba kata ka jingshah kem ka long ka bym shongnia ne shongaifi dei ban pyllait noh ia u.
- (iv) Ka jingshahset kaba palat ia ka 24 kynta ka dei ban long da ka hukum ka Ingbishar ne kaba dei hapoh ka jingpett ka

Ingbishar. (Judicial custody). Ka Clause 3 haduh 7 jong ka Article 22 ka ai bad batai ia ki kyndon ba yn leh ha kaba iadei bad ka jingshah kem ne shah set u bried ban iada na kaba un leh ia ka kam be-aifi.

Ka ktien ban iada (prevention) ka iapher na ka ktien pynshitom (punitive) namarkata ki kyndon kiba teh ia u bried uba shah kem ban iada na kaba un leh ia ki kam be-aifi ki long ia kine harum:-

- (i) Ka Jingpeitbniah da ka kynhun ki bried ka ban ai jingbatai ne jingbthah (Review by the Advisory Board).**
- (ii) Ka jingpynpaw ne jingpyntip ia ki daw jong ka jingshahkem ne jingshahset.**
- (iii) Ka hok ban ai ia ka jingthoh jingkyrpad (Right to representation).**

Halor kane ka jingshahkem ban iada na kaba leh ia ka kam be-aifi (preventive arrest) ka long kaba eh ban uxor ne pynshisha. 'No Offence is proved or any charge formulated'. Ka shong eh ha ki bor kiba kem ne set ia u bried ban batai.

3. Ka hok pyrshah ia ka Jingbanbeifi ne shah lehbeifi (Right against exploitation Art. 23-24) :

Ka Article 23 jong ka Constitution ka khanglad ia ka jingkhahi bried ne pynlong nongkhrong ne ka rukom pyntrei jubor (Traffic in human being, or begger or forced labour).

Shuh shuh ka Article 23 ka ong ba kano kano ka jingleh pyrshah ia kane ka hok u bried ka long ka jingleh be-aifi ia kaba yn pynshitom da ka Aifi.

Ka Clause 2 jong ka Article ka shah ia ka Sorkar ban pynbor ban ai ka jingshakri na ka bynta u babun balang (compulsory public service), khlem da leh shiliang iano iano ha ka ba iadei bad ka jingngeit niam, ka jaid ka khong ne jinglong shynrang kynthei.

Ka Article 23 namar kata ka pynlong ia ka Sorkar ban pynduh kino kino ki jingkhahi bried, pynlong nongkhrong ne rukom jingpyntrei jubor.

Ka Article 24 jong ka Constitution ka khanglad ia ka jingpyntrei ia ki khynnah ba hapoh 14 snem, ha ki karkhana ne kino kino ki jingtrei kam kiba lah ban wallam jingmynsaw ia ka jingkoit jingkhiah ki khynnah.

4. Ka hok ka jinglailuid ha ka jingngeit Niam.

(Right to Freedom of Religion Art. 25-28):

Ia ka hok ka jinglailuid ha ka jingngeit niam kumba la thoh ha ka Article 25 haduh 28 jong ka Constitution ka ri India, ia lah kren shai ha ka Preamble jong ka Constitution ha kaba ki nong India ki la raf ban pynioh ia baroh ki nongshong shnong ka ri ka jinglailuid ha ka jingngeit niam kaba mut ba ka ri India kam don kano kano ka niam la ka jong.

Ka Article 25 (1) jong ka Constitution ka ai ia urwei pa urwei u brierw ka jinglailuid ha ka jingiatiplem bad ka hok ban rakhe bad ialap ia la ka jingngeit niam. Hynrei ia kane ka hok ba la ai da ka Article 25 (1) kam long kaba pura namar kano kano ka jingngeit niam kam dei ban wallam ne pynlong jingjynthut ia kiwei pat ki jingngeit niam ha kaba iadei bad ka shongsuk shongsaiñ, jinglong babha bad jingkoit jingkhiah u babun balang.

Ka Clause 2 jong ka Art 25 ka ai bor ia ka Sorkar ban buh halor ka jingleh niam u brierw kumne:-

(i) Ha ka kyrteng ka niam ne jingngeit niam ym lah ban leh kano kano ka kam kaba long pyrshah ia ka shongruk shongsaiñ, jinglong babha bad jingkoit jingkhiah u babun balang Ka jingpyniap ia ki mrad, ka jingthadrong ia ka met, ka jingdon kiba poh bad jingkhahi brierw ha ka kyrteng ka niam don kam ka jingpynbeit ne jingmana. Lah ruh ban pyndei ia kane ka hok ka jingngeit niam bad kiwei pat ki hok tynrai namar ka jinglailuid ka jingleh niam kam dei ban ktah ia kiwei pat ki jinglailuid u brierw.

(ii) Ka jinglailuid ka jingngeit niam ka dei tang ia ki jinglehniam ba long beit bad ka niam bad ym lah ban kynthup ia kiwei pat ki jingleh bym long niam, la ka long ha ka ioh ka kot, ka kamai kajih, bad kiwei pat ki kam bad jingleh u brierw.

(iii) Ka Sorkar ka lah ban thaw ki Aifñ kiba iadei bad ka jingtuk bad jingiaidbeit ka imlang sahleng. Kumta lada don kan jingiatyngkhuh ka jingiaid beit bad jingroi ha ka imlang sahleng bad ka jingleh niam ka niam bad Jingngeit niam ka wan hadien.

Ka Article 26 ka Constitution ka ai ka jinglailuid ia kino kino ki Niam ban (i) pyniaid ia la ki jong ki Ing Niam bad jaka leh isypoi (ii) pyniaid ia la ki kam ki jam (iii) long trai halor ki jaka puta (iv) pyniaid ia la ki jaka puta kat kum ka Aifñ.

Ka Article 27 ka Constitution ka ai ka jinglailuid na ka jinglum khajna ha kaba iadei bad ka jingpynroi ia ka jingngeit niam.

Ka Article 28 ka Constitution ka khanglad ia ka jinghikai niam ha kino kino ki Ingskul niam ba ioh jingiarap pura na ka Sorkar.

5. Ka Hok ba iadei bad ka Kolshor bad Pule Puthi (Cultural and Educational Right Art 29-32):

Ka Article 29 (1) jong ka Constitution ka iada ia kano kano ka kynhun jong ki nongshong shnong ha kano kano ka bynta jong ka ri kaba kren la ka jong ka ktien, pyndonkam la ki jong ki dak ba thoh ne kolshor, ka hok ban pynneh ia ki. Namar kata kano kano ka jaid bynriew kaba rit ne duña paid, ka lah ban pynneh ia ki da kaba seng ki Ingskul ha kaba lah ban ai jinghikai.

Ia kane ka hok la ai jingiada shuh da ka Article 30 (1) kaba ong ba baroh ki jaid bynriew ba rit paid la ka long ha ka jingngeit niam ne ktien ba kren ban seng bad pyniaid da lade hi ia la ki jong ki Ingskul.

Ban lait na kano kano ka jingtuklar ka Sorkar, ka Article 30(2) ka khang lad ban ai jingiarap ia kitei ki Ingskul ioh ba haba ka Sorkar ka ai jingiarap, kan tuklar halor ka hok ba iadei bad ka kolshor bad pule puthi. Hynrei lada kitei ki Ingskul ki ioh jingiarap na ka Sorkar, baroh ki nongshong shnong ha ka ri ki don hok ban ioh rung ha kitei ki Ingskul ban pynbit ia lade bad khlem da niew ne leh shiliang la ka long ha kano kano ka jingngeit niam, ka jaid bynriew, ka jinglong kynthei shynrang, ka ktien ba kren ne na kano kano ne kine.

6. Ka hok ban wad jingiada kaba long constitution (Right to Constitutional Remedy Art 32-35):

Ka long kaba shisha ba ka jingbuh ia ki hok tynrai ha ka Constitution ka long lehnohei lada kam don kano kano ka bor ban pyntrei kam ia ki, ne iada ia ki khnang ba u briew un ioh ban leh knen.

Ka Article 32 jong ka Constitution ka ai ka jingiada ba haba u briew u sngew bad shem ba u la duh noh ia kine ki hok u lah ban leit sha ka Ingbishar ban ioh jingiada. Kumta ka Article 32 ka ai ka jingiada ia ki nongshong shnong ka ri India ban wad jingiarap ne jingiada ba long kat kum ka riti synshar. Kane ka jingiada ka long pyrshah ia ki bor Sorkar

bad ia kine ki bor Sorkar la lah batai ha ka Article 12 jong ka Constitution.

Ka Article 32 (1) jong ka Constitution ka ai jingiada ne jingiarap ha kaba ngi lah ban leit sha ka Ingbishar ba heh duh (Supreme Court) da ka jingpyntrei kam ba shongnia (Appropriate proceedings) na ka bynta ban ai jingiada ne pynioh ia ki hok tynrai kumba la thoh ha ka Constitution ka ri.

Ka Clause (2) jong ka Article 32 ka ai bor ia ka Supreme Court ban pyntrei kam lane ban ai hukum ne kino kino ki jingthoh kyrpad, kynthup ia ki jingthoh ba long habeas corpus, mandamus, prohibition, quo - warranto bad certiorari na ka bynta ban pynioh ia ki hok tynrai ia kiba la thoh ha ka Part III jong ka Constitution.

Ka Clause (3) jong ka Article 32 ka lah da ka Aifi ban pynkup bor ia kano kano ka Ingbishar ban pyntrei kam kat kum ka bor jong ka ha la ka jong ka jaka kaba ka Ingbishar ka trei kam.

Ka Clause (4) jong ka Article 32 ka ong ba ia kane ka hok yn ym pynduhnoh ne shim noh lait sa tang lada don kano kano kawei pat ka jingpynbeit ha ne da ka riti synshar.

Kumta ngi shem ba ka Article 32 ka dei kawei pat ka hok tynrai (fundamental right) bad ka ai ia ka jingiarap ba kloï bad bym pynlut pisa than na ka bynta ban iada ia ki hok tynrai na ki bor Sorkar, na ki bor t-hawaiifi (Legislative) ne ki bor pyntrei kam ia ki Aifi (Executive). Ka Supreme Court ka don ka bor ba ha khlieh duh ban pyntreikam da ka shongnia (appropriate proceeding) bad ia kaba ym lah ban thew na ka bynta ban pynioh pat ia ki hok tynrai (fundamental right).

XVI

Ka Jingthoh Jingkyrpad Writ Petition

Mynta ngin ia peit bad lum jingtip khyndiat kiei ki Writ Petition bad kumno la pyndonkam ia ki.

Ka ktien 'Writ' ka wan na ka ktien phareng 'Write' kaba mut 'Ban Thoh' bad ka ktien 'Petition' ka mut 'Ka Jingkyrpad'. Kumta ka ktien 'Writ Petition' ka mut ka 'Jingthoh Jingkyrpad'.

Kine ki jingthoh jingkyrpad ki long kiba donkam shibun ia kiba la ju pyndonkam nyngkong eh ha ka rukom synshar ne rukom bishar ha ka ri England bad ka mih tynrai na ka bor ne ka kabu kaba kyrpang ia kaba la ai ha u Syiem jong ka England ban hikai, batai ne hukum ia ki Nongshynshar ne Ing bishar ba hapoh jong u. Ha ki por mynta la ju pyndonkam ia kine ki jingthoh jingkyrpad ban iada ia ki hok bad jinglailuid u brieve.

Shuwa ba ngin sngewthuh ia ka jingmut jong ka Writ Petition to ngin ia peit shuwa ia ka bor jong ka High Court ban ithuh ne pdiang ia ki Writ Petition (Writ Jurisdiction of High Court). Ha ri India jong ngi shuwa ban shna ia ka Constitution ne Riti shynshar, don lai tylli ki High Court ia kiba la tip kum ka Presidency High Court Calcutta, Bombay bad Madras kaba don ka bor ban peit ne pdiang ia kine ki jingthoh jingkyrpad. Kumba ka long mynta baroh ki High Court jong ka ri India ki peit ne pdiang ia kine ki jingthoh jingkyrpad.

Lada ngi iakren shaphang ki Writ Petition ngim lah khlem da ia kren ia ka Article 32 jong ka Constitution ka ri India kaba ong ba uno uno u nongshong shnong ha ri India u don ka hok ban leit sha ka Supreme Court na ka bynta ban pynioh pat ia ki hok tynrai (Fundamental rights) kiba u la duh noh bad ia kiba la thoh ha ka part III jongka Constitution Clause 1. Shuh shuh ka Clause 2 jong ka Article 32 ka ai bor ia ka Supreme Court ban pynmih, bthah ne ai hukum lada ka shem ba u brieve u la duh noh ia ka hok jong u ne pdiang ia kino kino ki jingthoh jingkyrpad kynthup ia ki jingthoh jingkyrpad ba long habeas corpus, mandamus, prohibition, quo - warranto bad certiorary na ka bynta ban

pynioh pat ia ki hok tynrai (fundamental rights) kiba u briew u la duh noh.

Ka Article 226 jong ka Constitution ka ri India pat ka ong ba ka High Court ka don la ka jong ka bor ha la u jong u pud ne bor jingpelt jong ka. Ka don ka bor ban pynmih, bthah, ai hukum ne pdiang ia kino kino ki jingthoh jingkyrpad kynthup ia ki jingthoh jingkyrpad ba long habeas corpus, mandamus, prohibition, quo - warranto bad certiorary na ka bynta :-

1. Ban pynioh pat ia ki hok tynrai (Fundamental Rights) kiba u briew u la duh noh.

2. Bad na ka bynta kano kano ka jingthmu.

Kumta ngi ioi ba ka High Court ka kham don bor ia ka Supreme Court, kaba ka bor jong ka ka long tang ban shu pynioh pat ia ki hok tynrai ba u briew u la duh noh bad ki kyntien 'na ka bynta kano kano ka jingthmu' ka mut ban pynioh ym tang ia ki hok tynrai (Fundamental Rights) hynrai ruh ia ki hok kynti (Legal Rights) ba u briew u la duh noh.

1. Ka Writ ba long Habeas Corpus - Ka ktien Habeas Corpus ka wan na ktien Latin kaba mut 'Phi lah ban shim ia ka met'. Kane ka long ka jingthoh ha ka dur jong ka hukum ban pyllait ia uno uno u briew uba shahset la ka long ha ka lng byndi ne ha kano kano ka rukom jingshah set bad ban wallam ia uta u briew sha ka Ingbishar. Lada shem ba kata ka jingshah set jong u ka long ka bym shongnia ne shong aifi, ka Ingbishar ba ha khlieh kan ai hukum ba dei ban pyllait noh ia uta u briew.

Kumta ka jingpyni ia ka met ha ka Ingbishar ka long ka kyndon kaba donkam eh ha ka Writ ba long Habeas Corpus. Ka jingthmu jong kane ka jingthoh ba long Habeas Corpus ka long ban ai jingiarap ia u briew uba shah kem ne shah set byndi ne kano kano ka rukom jingshahset.

Kano kano ka jingset byndi ka long be - aifi lada ym ialam ia u briew ha u Magistrate hapoh 24 kynta bad dei ban pyllait ia u da ka jingthoh jingkyrpad ba long Habeas Corpus.

Ha kawei na ki Court Case ia kaba la tip kum ka Case 'Kanu Sanyal vrs District Magistrate Darjeeling'. Ka Supreme Court ka ong ba ha kaba iadei bad ka Writ ba long Habeas Corpus kam da donkam

eh ban walam ia uno uno u briew uba shah set byndi sha ka Ingbishar. Ha kane ka case la kem ia uwei u nongialam Naxalite uba kyrteng u Kanu Sanyal bad la set ia u ha ka Vishagapatnam Jail ha ka snem 1971. U Kanu Sanyal u la phah jingthoh sha ka Supreme Court ha ka kyndon Article 32 jong ka Constitution ban pyrshah jur ia kane ka jingshah set byndi jong u bad ba dei ban shah ia u ba un pyni ialade ha ka Ingbishar. Ki nongiasaid ain jong u ki pynpaw ba kat kum ka Writ ba long Habeas Corpus dei ban wallam bad pyni ia u ha ka Ingbishar. Hynrei ha kane ka case, u Nongbishar Bhagwati u ong ba kam da donkam eh ban wallam ia u briew sha ka Ingbishar da kaba u ong ia kine ki ktien 'Balei ngin teh ngin khum ia lade da ki kynjri jong ka jingleh ba ju leh ha ri England lai spah snem mynshuwa kaba ngim lah ban pyrthuh bud ha ri India jong ngi namar kam iadei shuh bad ki por mynta bad ruh la ju leh ia kane ha ri America'.

Ha kaba iadei bad ka jingthoh jingkyrpad da u briew uba shah set byndi ne uba don ha kano kano ka rukom jingshah set, tang i jingthoh jingkyrpad ha ka Post Card ka la biang ia ka Ingbishar ba halor la ka dei ka Supreme Court ne High Court ban pdiang namar ka jinglong ba kyrpang ka ri India jong ngi ha ka imlang sahlang ne ka ioh ka kot (socio - economic conditions).

Mynta la nang pyniar shuh shuh ia ka jingmut jong ka Writ ba long Habeas Corpus ha kaba lah ban pyndonkam ia ka ym tang ban pyllait ia u briew ne ka jingshah set bymshongnia hynrei ruh ban bthah ne ai hukum ia ki nongpyniaid Ingbyndi ban ai jain ai nep bad jingbam ia kiba shah set byndi ne ban iada ia ki na kino kino ki jingshahlehbeifi.

Ha kawei na ki jingialeh mokotduma ba la tip kum ka 'Sunil Batra Case' uwei u koidi uba kyrteng u Sunil Batra u la dei ban shah set ha Tihar Jail haduh ka jingiap. U Sunil Batra ryngkat bad u paralok jong u ki la ai jngthoh sha ka Ingbishar ban iathuh ia ka jingshahlehbeifi ha kaba ki la shah shoh bad shah pynshitombeifi. Haba ki la pyntip da ka shithi ia kane ka jingshah leh beifi sha ka Ingbishar, ka Ingbishar ka la pdiang ia kane ka shisthi. Kum ka jingpyntip ia kane jingthoh ba long Habeas Corpus ka Ingbishar ka la ai hukum ia ki Nongpyniaid Jail ban pynlait ia u Sunil Batra na ka jaka pynshitom ha Jail bad buh u pud halor ka rukom pynshitom ia ki nongkam bymman ne nongshah set byndi.

Ha kaba iadei bad ka Writ ba long Habeas Corpus, ka Supreme Court ne High Court ka lah ban nym pdiang ia kine ki jingthoh

jingkyrpad lada ka jingshah set u bried ka long kaba shongnia shongaiif bad lada bud ryntih kat kum ki kyndon ba la thoh ha ka Article 21 bad 22 jong ka Constitution kaba iadei bad ka jingia da ia ka jingim bad jinglatitid u bried (Protection of Life and Personal Liberty).

Hynrei shaphang ka jngmynjur ne jingbym mynjur ia kane ka jaid jingthoh jingkyrpad ba long Habeas Corpus ka shong eh kat kum ki kyndon ba la thoh ha ki Article 132, 133, 134 bad 136 jong ka Constitution jong ka ri India.

2. Ka Writ ba long Mandamus: Ka ktien 'Mandamus' ka mut ka 'Hukum'. Kane ka long ka jingthoh jingkyrpad ha kaba ka Ingbishar ba halor ka ai hukum ia uno uno u bried ne kino kino ki bor Sorkar ban leh ne ban ym leh ia kano ka kam ne kamram ba iadei bad u babun balang.

Tharai mynta uno uno u Officer ba dei ban ai Licence ne permit u dei ban leh kumta haba uta uba kwah ban ioh Licence ne Permit u la lah pyndep bad pynbiang ia baroh ki kyndon ha kaba iadei bad kata ka jingkwah jong u ban ioh Licence ne Permit. Wat la u la lah pynbiang bad pyndep ia ki kyndon baroh, u Officer uba dei ban ai ia ka Licence ne Permit um leh kumta, uta uba kwah ia ka Licence ne Permit u don ka hok ban leit sha ka Ingbishar ban ioh jingiarap da ka jingthoh jingkyrpad ba long Mandamus (Writ of Mandamus).

Hynrei ngi dei ban kynmaw ba ia kane ka jingthoh jingkyrpad ba long Mandamus yn pdiang ia ka haba ka don ka jingbym lah ban leh ia ka kamram kaba dei ban leh bad ba uta u nongkyrpad u dei ban pyni ne pynshisha balei ba um lah ban ioh ia kaba u kwah haba u la lah pyndep bad pynbiang ia baroh ki kyndon kiba uta uba dei ban ai Licence ne Permit u kwah.

Kumta kane ka jingthoh jingkyrpad ka long ban pynbeit ia kano kano ka jingleh bym shongnia shongaiif da ka Ingbishar ba halor (High Court).

Kane ka kham iadei eh bad ki bor sorkar haba kim leh ia kaei kaba ki dei ban leh ne leh ia kaei kaba kim dei ban leh.

3. Ka Writ ba long Certiorary: Ka Writ ba long Certiorary ka long ka jingthoh ba ai hukum da ka Ingbishar ba ha khlieh (Supreme Court ne High Court) ia ki Ingbishar ba hapoh (Inferior Court) ne kino kino ki

bor bishar ban wallam ia ka jingialeh mokotduma (case) na ki Ingbishar ba hapoh sha ki Ingbishar ba ha khlieh. Ha kaba iadei bad kane ka jingthoh ba long Certiorary ka Ingbishar ba ha khlieh ka lah ruh ban pyndam ia kano kano ka rai jong ki Ingbishar ba hapoh lada don ka jingbakla, jinglehbor ne jingbishar bymhok kiba long pyrshah ia ka jingbishar hok (Equity), ka jingbishar ba dei ban long (natural justice) bad jingiatip lem babha (good Conscience).

4. Ka Writ ba long Prohibition: Ka Writ ba long Prohibition ka long ka jingthoh jong ka Ingbishar ba ha khlieh ban iada na kano kano ka jingleh palat ia kata kaba la pynkupbor ha ki Ingbishar ba hapoh lane haba ki ai ia kino kino ki rai kiba long pyrshah ia ka jingbishar hok (Equity), ka jingbishar ba dei ban long (Natural justice) bad jingiatiplem babha (Good Conscience).

5. Ka Writ ba long Quo - Warranto: Ka ktien 'Quo - Warranto' ka mut 'Haei ka bor jong phi!' Da kane ka jingthoh uno uno u briew uba bat ia ka kam ba u trei, un hap ban pyni ne pynshisha ha ka Ingbishar ha kano ka nongrim u bat ia kata ka kam kaba u trei. Kane ka jaid jingthoh ka long ban iada ia u briew uba kiew kam ne ioh kam ia kaba um dei hok ban ioh ne bat ia kata ka kam ba u trei. Ha ka jingtohkit ne jingbishar lada shem ba uta uba bat iaka kam um dei hok ban shong ha ka shuki, ka Ingbishar ba ha khlieh ka lah ban ai hukum ban weng ia u na ka shuki ba u shong.

KARUKOMBAJULEHAKIJINGBE-AIÑBAIADEIPARA BIEW (CIVIL PROCEDURE)

Mynta ngin ia peit bad pyrshang ban sngewthuh ia kawei pat ka tnat Jingtip ka Aifi bad kata ka long ka rukom ba ju leh ha ki jingbe-aifi ba iadei parabiew (Civil Procedure).

U Nongmudui (Plaintiff): Kat kum ka Order I jong ka Rule 1 ka Civil Procedure Code, U Nongmudui (Plaintiff) u long uta uba leit ban mudui ha ka Ingbishar. Ngi lah ban ong u long uta uba sdang ia ka jingialeh mokotduma.

U Nongshahmudui (Defendant): Kat kum ka Order I jong ka Rule 3 ka Civil Procedure Code, U Nongshahmudui (Defendant) u long uta ia uba la mudui pyrshah da u Nongmudui bad u ban iada ia lade na ka jingshah mudui.

Kumta ia kine baroh arngut kata u Nongmudui bad u Nongshahmudui la khot ki Nongiashim bynta ha ka jingialeh Mokotduma (Parties to a suit).

Ia ka jingiasaid ktien da ka jingthoh u Nongmudui ki ong Ka Jingthoh u Nongmudui (Plaint) bad ia ka jingiasaid ktien da ka jingthoh u Nongshah mudui ki ong Ka Jingthoh u Nongshah mudui (Written Statement) Ia kitei ki jingthoh iasaid ktien ki ong 'Jingthoh iasaid nia' (Pleadings)

Lada ar ne bun ngut ki Nongmudui ki ia snoh kti lang ne ieng pyrshah ia uwei ne bun ngut ki Nongshah mudui ki ong 'Ka jingiasnoh kti lang jong ki Nongmudui' (Joinder of Plaintiff) bad lada ar ne bun ngut ki Nongshahmudui ki ia snoh kti lang ban iada na kaba shah mudui ki ong 'Ka jingiasnoh kti lang jong ki Nongshahmudui' (Joinder of Defendant).

Kano kano ka jingthoh iasaid ktien jong u Nongmudui (Plaint) ka dei ban don kine harum:-

1. Ka Kyrte ng ka Ingbishar ha kaba u Nongmudui u leit ban mudui.
2. Ka kyrte ng, ka jaka sah bad kano kano ka jingbatai u Nongmudui.
3. Ka kyrte ng, ka jaka sah bad kano kano ka jingbatai u

Nongshahmudui.

4. Ka jingpynshai na ka bynta uno uno uba ieng kum u Nongmudui ha ka jaka u khynnah ne uno uno u bried uba anna ne long duna.
5. Ki jingshisha kiba pynlong ia ki daw jingmudui.
6. Ki jingpynshai bad jingshisha kat kum ka bor ka Ingbishar.
7. Ki jingdawa ne ki hok kiba u Nongmudui u lah ban pynpaw.
8. Ka jingbatai bad jingpynshongdor halor ka mokotduma bad bai siew (fees) sha ka Ingbishar.

Kumta lada u Nongmudui u dawa pisa eiei halor ka jingthoh iasaid ktien (Plaint) u dei ban da thoh shai bha ia ki jingpynshongdor jong u bad ha kaba iadei bad ka jingdon jingem (Property) u dei ruh ban da thoh shai bha ia ki pud sawdong ka Ing bad jingbatai ia ka Ing ne kano kano ka jingdon jingem.

Ka Jingthoh iasaid ktien (Pleading)

Ka order VI jong ka Civil Procedure ka batai shaphang ka jingthoh iasaid ktien (Pleading) kaba kynthup ia ka jingthoh iasaid ktien u Nongmudui (Plaint) bad ka jingthoh iasaid ktien u Nongshahmudui (Written Statement). Hateng hateng ia ki jingthoh jingkyrapad (Petition) ne ki jingthoh ba la pynskhem da ka jingsmai ha khmat u Nongbishar (Affidavit) la khot ruh ki jingthoh iasaid ktien (Pleading).

Ka rukom ba ju leh ha ka jingthoh iasaid ktien ka long:

1. Ban pynpaw ia ka jingjia ne ka jingshem ne ka daw na kaba sa wan mih ka jingiapher jingmut hagdeng u Nongmudui bad u Nongshah mudui.
2. Ban pynshai ia ki jingshisha ba long met tynrai (material facts) ha kaba yn pynpaw ha ka jingthoh iasaid ktien bad ha kaba yn pynshong nongrim halor kano kano ka jingkam (claim) ne jingiada (defence).

Hynrei ha ka jingthoh iasaid ktien ym dei ban pynpaw ia ki sakhi satar ne ki kyndon aif namar ia kine yn sa pynpaw ne pyni ha ka por ba iasaid nia marmet da ki Nongiasaid aif (Pleader). Ia ka jingthoh

iasaid ktien dei ban' da soi da u Nongiasaid aifi bad ruh' da u Nongmudui bad Nongshah mudui ia kaba yn da pynskhem (verify) kumta long aifi. Kumta ka jingthmu jing ka jingthoh iasaid ktien (p leading) ka long ban wallam ia ki Nongiashim bynta ha ka jingialeh mokotduma, ban iada ia ki jingshisha na kaba shu pynbeh ne pynbet bad ban pynlong ia ki ban wan ha ki mat jingshisha ban pynduna ia ka jingpynlut bad jingpynslem ka Ingbishar ban ai ia ka rei. Kumta u Nongmudui u dei ban batai ha ka jingthoh iasaid ktien ia baroh ki jingshisha kiba pynlong ia ki daw jingmudui bad u Nongshah mudui un pynpaw ha ka jingthoh iasaid ktien ia ki jingshisha ha kaba u lah ban iada ialade.

Ka Jingpynphai ia ka jingthoh iasaid ktien (Return of the plaint)

Kat kum ka Order 7 jong ka Rule 10 ka Civil Procedure Code, ia ka jingthoh iasaid ktien lah ban pynshai pat da ka Ingbishar kaba dei ban shim ia ka jingialeh mokotduma ha kaba u Nongbishar un' da soi pynskhem ia ka sngi ha kaba la pdiang bad pynphai, ka kyrteng u Nongmudui bad ia kine ki daw kiba pynlong ban pynphai pat.

(i) Lada ia ki daw jingmudui ym shym la thoh shai.

(ii) Lada ia ka jingiarap ba dei ban ioh kumba la dawa ha ka jingthoh iasaid ktien ym shym la pynshongdor bha bad ia kaba dei ban pynbeit pat kat kum ka por bad sngi ba la buh da ka Ingbishar.

(iii) Lada ia ka jingiasaid ktien la thoh ha ka kotsada ia kaba ym shym la pynbiang da ki stamp kiba iadei dor ha kaba dei ban pynbeit pat kat kum ka por bad sngi ba la buh da ka Ingbishar.

(iv) Lada ka jingialeh mokotduma ka paw ha ka jingthoh iasaid ktien ka long shabar ka Aifi ne khanglad da ka Aifi.

Ka daw Jingmudui (cause of action)

Ka rukom ha kaba u Nongmudui (Plaintiff) u leit sha ka Ingbishar ban pynpaw ne pyni ia ki daw ha kaba u ngeit ne kwah ba ka Ingbishar kan ai ia ka rai pynksan ia u, ki ong 'ka daw jingmudui' (Cause of action). Kumta halor kane u pynpaw ia ka Nongrim, ki daw, ki jingshisha ban kyrshan ia ki jingkwah jong u pyrshah ia u ne ki Nongshah mudui.

Ka daw jingiamudui lang (joinder cause of action)

Ka rukom ha kaba ki Nongmudui (Joinder of Plaintiff) ki leit

sha ka Ingbiſhar ban pynpaw ne pyni ia ki daw ha kaba ki ngeit ne kwah ba ka Ingbiſhar kan ai ia ka rai pynksan ia ki, ki ong 'Ka daw jingiamudui lang' (Joinder cause of Action). Kumta ha kane ka jingmudui ki pynpaw ia ka nongrim, ki daw, ki jingshihsa ban kyrshan ia ka jingkwah jong ki pyrshah ia u ne ki Nongshah mudui.

Ka Mokotduma ba iadei bad u briew shimet (Suit of Civil Nature)

Ka Mokotduma ba iadei bad u briew shimet ka long kaba ka Civil Court ka don ka bor biſhar. Ka Section 9 jong ka Civil Procedure Code ka ong 'Ha ka jingialeh mokotduma kaba ktah ia u briew shimet kum ka jingdon jingem (property) ne ka jingtrei kam (office) ki ong ka mokotduma kaba iadei bad u briew shimet (Suit of civil nature).

Ha kane ka jingialeh mokotduma ia ka hok kynti u briew kum ka jinglong briew (Person), ka jingdon jingem (Property), ka kyrdan ka burom (Status), ka jingtrei kam (office) kaba u briew u ioh ban leh kmen kum u Nongshong shnong ka ri la ujur ha ka Ingbiſhar ki ong ka Mokotduma kaba ktah ia u briew shimet. Hynrei ka jingujor kaba ktah ia ka hok ka jinglong jaid ne khong (caste) ne ka hok ka rukom leh niam (religious right and ceremony) kam hap ha ka mokotduma shimet. Hynrei lada ka hok u briew ha kaba iadei bad ka jingdon jingem jong u hap ban ia peit ruh bad ka rukom leh ka jaid ka khong, ka dei ka mokotduma ba ktah ia u briew shimet (Civil Suit).

Kaba leit ban mudui ha ka Ingbiſhar halor ki jingbe-aifi ba iadei bad u briew shimet

(Court Jurisdiction in respect of Civil Suit)

Ia ka rukom kumno ban leit mudui ha ka Ingbiſhar la batai ha Section 15 haduh 20 jong ka Civil Procedure Code kumne:-

1. Kano kano ka jingmudui ne mokotduma kaba iadei bad u briew shimet ka dei ban leit shuwa ha ka Ingbiſhar ba hapoh duh kaba don ka bor ban biſhar.
2. Kano kano ka jingmudui ne Mokotduma kaba dadei bad u briew shimet ka dei ban leit ha ka Ingbiſhar kaba don ha ka jaka kaba ka jingdon jingem (property) u briew ka don lada ki daw jingmudui ki long kiba don jingiadei bad katei ka jingdon jingem.
3. Kano kano ka jingmudui ne mokotduma halor kano kano kan jingdawa ne jingpynshongdor ia kano kano ka jingbakla

kaba iadei bad ka jingdon jingem u briew ka dei ban leit ha ka Ingbishar kaba ha ka jaka kaba ka jingdon jingem u briew ka don.

4. Haba don kano kano ka jingartatien ha kaba iadei bad ka bor jong artylli ki Ingbishar kaba don ka bor ban bishar halor ka jingdon jingem u briew dei ban don ka jingthoh ba kawei na kitei ka Ingbishar ka don ka bor ban bishar.

5. Kano kano ka mokotduma kaba iadei bad ka jingdon jingem u briew kaba hap ha ka bor jong kawei pat ka Ingbishar ban bishar bad lada u Nongshah mudui pat u trei ne u sah ha kawei pat ka jaka kaba hap ha ka bor kawei pat ka Ingbishar, ka shong eh ha ka jingkwah u Nongmudui ha kano kano kawei na kitei ki Ingbishar un leit ban mudui.

Ka Jingkitkhlieh ban pynshisha (Burden of Proof)

Ia ka jingkit khlieh ban pynshisha ngi lah ban sngewthuh kumne: Uno uno uba kwah ba ka Ingbishar kan ai jingbishar halor kano kano ka hok ne jingdawa ba long ne shong aift, halor ki jingshisha kiba u shem ka dei ka kamram jong u ban pynshisha ia kita ki jingshem jong u ba ki long kiba shisha. Namarkata ka dei ka kamram jong u ban wallam ia ki sakhi satar ha khmat ka Ingbishar ban pynshisha ne ban kyrshan ia ka jingkwah jong u.

Ka Hukum (Order)

Ka Clause 2(1) jong ka Section 2 jong ka Civil Procedure Code ka batai ia ka jingmut jongka ktien Hukum (order).

Ka ktien Hukum (order) ka mut ka rai jong ka Ingbishar kaba iadei bad ka jingialeh Mokotduma kaba ktah ia u briew shimet (civil dispute) ka bym dei ka rai(decree).

Kham bunsien, kumba ju long ha ka Ingbishar, ym lah ban leit rah ia kano kano ka daw ka jingialeh mokotduma sha ka Kashari ba halor (appeal) ha kaba iadei bad ka rai (decree) la ngi lah ban leh kumta ha kaba iadei bad ka Hukum (order).

Ka Rai (Decree)

Ka Clause 2 jong ka Section 2 jong ka Civil Procedure Code ka batai ia ka jingmut jong ka ktien rai (Decree).

Ka ktien rai (Decree) ka mut ka rai jong ka Ingbishar kaba ia pynkutnoh ia kano kano ka jingialeh mokotduma ha kaba ia ka hok jong

ki Nongiashim bynta (kata u Nongmudui ne Nongshah mudui) la pynpaw halor ki jingshisha baroh kiba iadei bad ka jingialeh mokotduma. Kumta ngi lah ban sngewthuh ba ka rai ka long ka jingpynkutnoh ia ka jingthoh iasaid ktien u Nongmudui (Plaint).

Ka Bor jong ka Ingbishar ba don ha ka jinglong hi
(Inherent Power of the Court)

Ka bor jong ka Ingbishar ba don ha ka jinglong hi ka dei ka bor ban ai ia ka rai ne ban pynmih ia ka hukum ban pynkut noh ia ka jingialeh mokotduma lane ban iada na kino kino ki jingleh bym suidniew ia ka bor jong ka Ingbishar bad ia kane ka bor la kdew ha ka Section 151 jong ka Civil Procedure Code. Kane ka section wat la kam shym aibor ne pynkupbor ia ka Ingbishar, hynrei la sngewthuh ba ka Ingbishar ka don ka bor ban pynkutnoh ia ka jingialeh mokotduma da kaba pyni ia ka hukum bad ka rai jong ka. Kane ka long ka bor kaba la don lypa ne long hi, ha kaba ym don mano mano ba lah ban tuklar ne ujur.

Ka Res Judicata

Ka ktien 'Res Judicata' ka long kaba donkam ba ngin sngewthuh ha kaba iadei bad ka Civil Procedure Code.

Ka Section 11 jong ka Civil Procedure Code ka ong kumne:-
"Ka Ingbishar kan ym pdiang ia kano kano ka jingmudui ne jingujor ia kaba ka daw jingmudui (cause of action) ka long kajuh ne ka long syriem ia kaei ba la mudui mynshuwa bad ia kaba ka Ingbishar ka la lah ai ia ka Rai jong ka la ka long da kito kiba la ia don bynta mynshuwa kum ki Nongmudui ne Nongshahmudui ne da kiwei pat kiba wan ban mudui halor ka nongrim, ka daw, ka jingshisha ban kyrshan ia ka jingkwah jong ki".

Ia kane la nang pynskhem ruh da ka Article 226 jong ka Constitution ka Ri India kaba ong ba ia kaei kaei ba la rai da ka Ingbishar ba halor ym lah ban ujur ne mudui biang ha ka Ingbishar ba hapoh (High Court ne District Court) halor ki juh ki daw jingmudui. Ka jingthmu, namarkata, ka long ba dei ban pynkut noh ia ka jingialeh mokotduma

hapteng ki Nongmudui bad Nongshahmudui ha kaba kin ym lah shah ban wan sha ka Ingbishar ar siep halor kajuh ka nongrim, ka daw pe jingshisha ban kyrshan ia ka jingkwah jong ki pyrshah ia u Nongmudui ne Nongshahmudui.

Ka Jingmyntoi ba long Mesne (Mesne Profit)

Ka jingmyntoi ba long Mesne (Mesne Profit) ka long kaba donkam shibun ha kaba iadei bad ka Civil Procedure Code nantar ka Ingbishar haba ka ai ia ka Rai jong ka, ka hap ban pynshong dor ia kum kino kino ki jait jingmyntoi na kaba ia dei bad ka jingdon jingem u briew.

Kat kum ka Clause 2 jong ka Section 2 ka Civil Procedure Code, kino kino ki jingmyntoi ba long Mesne (Mesne Profit) kiba ia dei bad kano kano ka jingdon jinghem (Property) ki long ki jingmyntoi kiba u briew u ioh ban leh kmen na kano kano ka jingdon jingem ka bym dei ka jong u hynrei kam kynthup ia kino kino ki jingmyntoi kiba mih na ka jingpynbha jong u halor katei ka jingdon jingem.

Estoppel:-

Ka ktien 'Estoppel' ka mut kaba pdiang ne phla lane kaei kaei kaba ka Ingbishar ka niew kum kaba pdiang ne phla ha kaba yn ym shah ia uno uno u briew ban len pat ia kaei kaba u la phla. Kumta ka khang lad ia uno uno u briew ban len ia ka jingshisha. Kaba pdiang ne phla ka lah ban long kumne harum -

- (i) Kaba pdiang ne phla da ka jingleh.
- (ii) Kaba pdiang ne phla da ka jingbishar.
- (iii) Kaba pdiang ne phla da ka jingthoh.
- (iv) Kaba pdiang ne phla da kaba sngapjar.
- (v) Kaba pdiang ne phla da kaba rai.
- (v) Kaba pdiang ne phla da kaba la ai bor.

Setoff:-

Ka ktien 'Set off' ka mut kaba dawa na kano kano ka jingpynjot ne jingpynsniew ia kaba u Nongshah mudui u pyrshang ban ioh na u Nongmudui kum kaba dawa na kano ka jingmih (income), ka jingiohnong (Profit) bad kiwei de. Ka long ka rukom pynbeit ba ju leh ha kaba ka Ingbishar kan peit ba u Nongshah mudui (defendant) u don ruh ka bynta ne hok ban dawa na u Nongmudui.

XVIII

Ka Rukom ba ju leh ba kaba iadei bad ka jingbe-aifi kaba ktah ia u babun balang (Criminal Procedure)

Kane ka long kawei pat ka tnad Jingtip shaphang ka Aifi kaba donkam bad ngin ia peit mynta.

(1) Ka jingbe-aifi ba lah ban bah jamin bad bym lah ban bah jamin (Bailable and Unbailable offence) [S.2(a)]

Ka jingbe-aifi ba lah ban bah jamin ka dei ka jingbe-aifi ia kaba la pynpaw ha ka First Schedule jong ka Criminal Procedure Code ne ba lah ban bah jamin kat kum kano kano ka Aifi ia kaba la pyntreikam.

Ka ktien 'bah Jamin' ka mut ban pyllait ia u briew na ka jingshah set ba long aifi. Haba ioh ban bah jamin ia uno uno u briew ka mut ban pyllait ia u na kano kano ka jingshah teh ne shah khum. Ka jinglah ne jingioh ban bah jamin ka long ka hok u briew (Section 436(1)). Kumta haba ia uno uno u briew ioh ban bah bah jamin, ka dei ban pyllait ia u na ka jingshah set ba long aifi, kat kum ka jingsngewbit ne jingbit ki bor pulit ne Ingbishar.

Nalor kata ki bor pulit ne Ingbishar. ki lah ruh ban pynlait ia u briew uba la shah kynnoh be-aifi da kaba u ai ka jingthoh iateh kular (executing a bond) ha ka jaka ban bah jamin da uwei ne kiwei pat.

Kat kum ka jingbatai jong ka Indian Penal Code kine harum ki long ki Jingbe-aifi ba lah bad bym ban bah jamin.

(i) Ka Jingbe-aifi ba lah ban bah jamin ka long ka jingbe-aifi ha kaba yn pynshitom da kaba set byndi ym duna ia ka 3 snem bad da kaba siew ia ka kuna.

Ka jingbe-aifi bym lah ban bah jamin ka long ka jingbe-aifi ha kaba yn pynshitom da kaba set byndi palat ia ka 3 snem, shilynter jingim ne rai pyniap.

(ii). Ka jingbe-aifi ba lah ban bah jamin ka kynthup ia ka jingpynkhih win (Rioting), u dkhot jong ka jingialang kynhun ba long pyrshah aifi (a member of unlawful assembly), ka jingpynbam pisa (bribery), ka jingiashoh iadat (Affray), sakhi bym dei (false evidence) bad kiwei de. Ka jingbe-aifi bym lah ban bah jamin ki long kito ki jingbe-aifi kiba jur ne ba khia kum ka jingpyniap briew (murder), ka jing pynmynsaw sha ka ban iap (culpable homicide) bad kiwei de.

Kumta ngi lah ban ong ba ka jingbe-aifi ba lah ban bah jamin ka

long tang kum ka dewlynnong hapteng jong ka duriaw jong ki jingbe-aifi bym lah ban bah jamin 'An Island surrendered by an ocean of unailable offences'.

(2) Ka jingkynnoh ne jingpharep (Charge) [s.2(B)]

Ha ka Criminal Procedure Code ym shym la batai shai ka mut aiu ka jingkynnoh ne jingpharep (charge). Ka ktien jingkynnoh ne jingpharep ka mut ka jingmudui kaba thikna bha ia uno uno u briew uba la leh ia ka kam be-aifi bad kane ka long hadien ba la tohkit. Ngi lah ban ong ba ka long ka jingpyntip ia u briew uba la leh ia ka kam be-aifi ia kaba u lah ban iasaid ia lade. Kumta ka jingkynnoh ne jingpharep ka long ban iathuh ia ka kam be-aifi ba u briew u la leh.

Kat kum ka Section 211 jong ka Criminal Procedure Code 1973, ka jingkynnoh ne jingpharep ka dei ban long kumne:-

1. Dei ban batai ne pynshai ia ka kam be-aifi kaba u briew u lah leh.
2. Dei ban batai ne pynshai ia ka kyndon/ kyrteng Aifi, kaba iadei bad ka kam be-aifi kaba u la leh.
3. Lada ym lah pynshai ne batai ia ka kyndon/ kyrteng Aifi, tang ka jingpynshai ne jingbatai ia ka kam be-aifi ba u la leh ka la biang.
4. Ia kane ka jingkynnoh ne jingpharep yn batai kat kum ki ktien ba long aifi ne ha ki kytien jong ka Ingbishar.
5. Yn pynpaw ruh ia ka por, sngi bad jaka ha kaba la leh ia ka kam be-aifi.
6. Yn pynpaw ruh ia ka kyrteng u briew, ka tiar ka tar ne kano kano kaba long met tynrai ha kaba iadei ba ka kam be-aifi ba la leh.
7. Lada u briew u la leh ia ka kam be-aifi mynshuwa, ryngkat bad ka jingpynshitom yn pynpaw ha kane ka jingkynnoh ne jingpharep ryngkat bad ka kam be-aifi ba u dang shu dep leh.
8. Yn pynpaw ruh ia ki kyndon jingpynshitom kat kum ka Section ba la thoh ha ka Criminal Procedure Code.

Da kaba leh kumta, u nongkam bymman ne u briew uba la leh ia ka kam be-aifi un ioh ban tip.

(3) Ki jingbe-aifi ba la tip bad ithuh da ka Ingbishar [s. 2(C) and 2(D)]

Ka jingbe-aifi ba la tip bad ithuh da ka Ingbishar ka long ka jingbe-aifi ha kaba ki bor pulit ki lah ban kem ia uno uno u briew uba leh be-aifi khlem da ai jingtip ne pyntip shuwa. Kumta ngi lah ban sagewthuh ba kane ka jaid jingbe-aifi ka long kaba jur ne ba khia (Cognisable

offence), kum kine harum:-

Kaba ialeh thma ia ka Sorkar ne ka ri, kaba leh jubor ne leh bor pyrshah ia u President ka ri ne u Governor ka Jylla, ka jingpyniap briew, ka jingshohnoh kaba lam sha kaba pyniap briew, ka jinglute bad kiwei kiwei.

Ka jingbe-aifi ba la tip bad ithuh da ka Ingbishar ka lah ruh ban long ka jingbe-aifi ha kaba ki bor pulit kim lah ban kem ia uno uno u briew uba la leh be-aifi khlem da ai jingtip ne pyntip shuwa. Kumta ngi lah ban sngewthuh ba kane ka jaid jingbe-aifi ka long kaba kham sting (Non Cognisable Offence) kum kine harum:-

Ki shakri ne nongtrei sorkar kiba khaii, kiba phet ban lait na ka jingleit hajir ha iingbishar, kiba ai jingtip bad jingkhein ba bakla sha ka sorkar, kiba buh ka jaka ia khalai khlem da ioh bor na ka sorkar, kaba pynjaboh ia ka haw haw kaba lah ban ktah ia ka koit ka khiah bad kiwei de.

Hateng hateng, u briew u lah ban leh ha ka juh ka por bun jaid ki jingbe-aifi ba la ithuh ne bym pat ithuh da ka Ingbishar bad lada kawei na kita ki jingbe-aifi ka long kaba jur ne khia yn niew ba u la leh ia ka kam be-aifi ka ba jur ne ba khia (Cognisable Offence).

(4) Ka jingmudui (Complaint) [s. 2(D)]

Ka jingmudui (Complaint) ha kaba iadei bad ka Criminal Procedure ka long kum ka jingthoh u Nongmudui (Plaint) ha ka Civil Procedure.

Ka jingmudui ne jingwad daw ka long ban iathuh ne pyntip da ka ktien ne jingthoh sha u Magistrate ia ka jingleh be-aifi jong no re khnang ba u Magistrate un leh ia kaba donkam.

Ia ka jingai jingtip ki bor pulit (Police Report) kim shim ne niew kum ka jingmudui (Complaint), hynrei lada kino kino ki bor pulit ki pyntip ia kano kano ka jingbe-aifi ia kaba la ithuh ne ym pat ithuh da ka Ingbishar (Cognisable and Non- Cognisable offence) ia kane ka report lah ban shim ia ka kum ka jingmudui (Complaint).

Kumta ka jingmudui ia kaba la iathuh ne pyntip da ka ktien ne jingthoh kadei ban long kumne:-

A. Dei ban mudui ne pyntip sha u Magistrate.

B. Dei ban thoh shai ba u Magistrate un leh eiei halor kata ka jingmudui.

K. Dei ban pyntip ne pynpaw ia kano kano ka jingbe-aifi.

D. Ka jingmudui ka dei ban long kat kum ka rukom Criminal

Proceduere Code.

Lada ia kine ki saw tylli ki kyndon la pyndep, ka dei ka jingmudui ne jingwad daw ia kaba ka Aifi kan sa leh ia kaba donkam

(5) High Court

Kat kum ka section 2(E) jong ka Criminal Procedure Code, High Court ka mut ka Ingbishar ha ka jingiadei bad ka jylla ha kaba kata ka High Court ka don, ka Ingbishar ha ka jingiadei bad ka Union Territory ha kaba kata ka High Court ka don bad ha kaba iadei bad kawei pat ka jylla ne Union Territory. Ka High Court ka long ruh ka Ingbishar ba ha khlieh duh ha kaba iadei bad ka jingbe-aifi kaba ktah ia u babun balang lait noh ka Supreme Court of India.

(6) Kaba kylli bad iit ia ka jingshisha, ka jingtohkit bad jingbishar ne jingtynjuh.

Ha kano kano ka jingbe-aifi kaba ktah ia u babun balang (criminal offence) kine 3 tylli ki bynta (stages) ki long kiba ngi donkam ban sngewthuh-

(i) Kaba kylli ne iit ia ka Jingshisha (Investigation)-

Kat kum ka Section 2(H) jong ka Criminal Procedure Code, kaba kylli ne iit ia ka jingshisha (Investigation) ka kynthup ia baroh ki jingleh ne jingpyrshang ban kylli ne tohkit ia kano kano ka jingbe-aifi kaba ktah ia u babun balang. Kane ka long ha kaba ki bor pulit da lade hi ne da ka hukum u magistrate ki kylli ne tohkit bad lada shem ba kam don kano kano ka jingbe-aifi la pyndam noh ne iehnoh na kaba kylli ne tohkit.

(ii) Ka jingtohkit (Inquiry)-

Kat kum ka Section 2(G) jong ka Criminal Procedure Code, u magistrate haba u ioh jingtip ia kano kano ka jingbe-aifi u don ka hok ban tohkit khamtam eh halor kito kiba ktah ia ka shongsuk shongsaifi u babun balang. Lada u shem ba ym don daw eiei ne ym lah ban pynshong nongrim ia ka jingmudui u iehnoh ne pyndam noh ia ka case. hynrei lada u shem ba don ka daw kaba thikna halor kata ka jingbe-aifi u ai jingthoh pharep (charge) bad u khot ia uba leh be-aifi ban kylli ne tohkit. Kane ka long ka rukom ba ju leh ban kylli ne tohkit ia uno uno u brieve uba la leh be-aifi.

(iii) Ka Jingtynjuh ne Jingbishar (Trial)-

Ia ka jingmut jong ka ktien "Jingtynjuh" ne "Jingbishar" ne ngi

lah ban ong 'kaba tynjuh' ne 'kaba bishar' ym shym la batai ha ka Criminal Procedure Code. Lah ban batai ha kano kano ka rukom ba lah ban pyndonkam ne pyntrei kam ia ka. Haba la shem ba ka don shisha ka jingbe-aifi, u Magistrate u lah ban bishar hi ia ka case ne phah ia ka sha ka Ingbishar ba hapoh ne halor kumjuh bad kata ka long ba haba la pyndep ia kitei ki ar tylli ki bynta kata haba la kylli bad iit ia ka jingshisha, bad ruh hadien ba la tohkit bha.

Kumta kaba kylli bad iit ia ka Jingshisha, kaba tohkit bad tynjuh ne bishar ki long 3 tylli ki bynta (stages) jong ka Criminal Procedure Code kiba donkam eh ha kaba iadei bad kano kano ka jingbe-aifi kaba ktah ia u babun balang.

Ka Warrant Case bad Summon Case (S.s. 2(W) bad 2(X))

Ka Warrant Case ka mut kano kano ka Case (mokotduma) kaba iadei bad ki jingbe-aifi ia kiba yn pynshitom da kaba pyniap, set phatok shi junom lane set phatok 2 snem.

Ka Summon case ka mut kano kano ka case (mokotduma) kaba iadei bad ki jingbe-aifi ki bymdei ka Warrant case.

Kumta ngi lah ban sngewthuh ba ka Warrant case ka iadei eh bad kito ki jingbe-aifi ba la ithuh da ka Ingbishar (Cognisable Offence) katba ka Summon case ka iadei bad kito ki jingbe-aifi bym shym la ithuh da ka Ingbishar (non-cognisable offence).

La kumno kumno ruh ngi lah ban pyniapher ia kine ki arjaid ki case kumne harum:-

1. Ha ka Warrant case, ka dei ban don ka jingpharep (charge) ba uno uno uba be-aifi u laleh shisha ia ka kam be-aifi. Ha ka summon case kam don kano kano ka jingpharep.
2. Ha ka Warrant case hadien ba ka ai ia ka jingpharep (Charge), u Magistrate u lah ha ka bor jong u ban pynrem bad pynshitom kat kum ka bor jong u lada la shem ba u nongbe-aifi u la leh shisha ia ka kam be-aifi, u Magistrate u lah ban pynrem bad pynshitom ha ka bor jong u bad da kaba buh jingthoh ruh ia kaei kaba u Nongbe-aifi u pyni ban iada ialade.
3. Ha ka warrant case, u Magistrate u lah ban pynlait noh ia uba be-aifi lada u shem kumne:-

(i) Lada u Nongmudui um don.

(ii) Lada ym don jingpharep.

(iv) Lada ka jingbe-aifi ka long bym ithuh da ka ingbishar ne ia khleh ha ka jingbe-aifi (Compoundable offences).

Ha ka summon case, u Magistrate u lah ban pyllait noh ia uba .
be-aifi lada u shem kumne:-

(i) Lada u Nongmudui um don.

(ii) La da iap noh u Nongmudui.

4. Ha ka Warrant case, u Magistrate da ka jingmynjur jong ki ingbishar u lah ban weng noh ia ki jingpharep lait noh sa tang kawei ne ar ki jingpharep. Ha ka Summon case, u Magistrate u lah da ka jingmynjur ka Ingbishar ban weng noh ia ka jingmudui.

5. Ym lah ban pynkylla ia ka warrant case sha ka summon case, hynrei lah ban pynkylla ia ka summon case sha ka warrant case.

6. Lada ha kano kano ka jingbishar (Trial) lada ia ka jingbe-aifi la pynpaw ne pynngat ha baroh ar ki case, yn niew ia kata ka jingbe-aifi kum ka Warrant case.

Ka jingpyntip ba nyngkong **(First Information Report)**

Ka jingpyntip ba nyngkong (First Information Report) la batai ha ka Section 154 jong ka Indian Penal Code. Kano kano ka jingpyntip kaba nyngkong sha ki bor pulit haba ka don kano kano ka jingbe-aifi ba la ithuh da ka ingbishar (Cognisable Offence) dei ban pyntip ne ai da ka jingthoh ha u officer jong kano kano ka Police Station. Ia kane ka jingpyntip dei ban sa soi da u briew uba leit ai jingtip ne pyntip bad ia kane ka jingpyntip da ka jingthoh yn da pynrung ne thoh ha ki bui ba la buh khnang na ka bynta kane ha ka Police Station. U Nongpyntip un da hap ban da soi bad yn ai copy ia kane ka jingpyntip (Report) sha u. Lada u Officer uba dei peit ia ka Police Station um treh pynrung ne pdiang ia ka Report, lah ban phah ia kane ka Report lyngba ka Post Office sha u Superintendent of Police. Lada u Superintendent of police u shem ba kane ka jingpyntip ka long kaba shisha bad ka la don shisha ka jingbe-aifi, u Superintendent da lade hi ne u officer ba hapoh jong u, un leit bad tohkit la ka dei ne ka don shisha ka jingbe-aifi.

Namar kata ka jingpyntip ba nyngkong (First Information Report) ka long kaba donkam eh ha kano kano ka jingbe-aifi namar ka jingthmu ka long ban ai ne loh jingtip ia kano ka jingbe-aifi bad ban wad jingtip shuwa ba lah ban klet ne dam noh bad kumta ka long ka sakhi ba ha khmat eh ha kaba iadei bad ka jingbe-aifi.

Ka don ka jingiapher kaba donkam ban sngewthuh bad shai bha kaba iadei ka jingmudui (Complaint) bad ka jingpyntip ba nyngkong (First Information Report).

1. Ka jingmudui (Complaint) ka long ka jingpyntip ktien ne jingthoh sha u Magistrate katba ka jingpyntip ba nyngkong (First Information Report). Ka long ka jingpyntip ktien ne jingthoh sha ki bor pulit.

2. U Magistrate u lah ban pyntrei kam (take action) halor ka jingmudui (Complaint) ym ha ka jingpyntip ba nyngkong (First Information Report).

3. Uno uno u briew u lah ban ai ka jingpyntip ba nyngkong (First Information Report) hynrei ia ka Jingmudui (Complaint) lah ban ai tang da ki briew ba la ithuh ne ai bor da ka Aifi.

Ki Ingbishar ba iadei bad ka jingbe-aifi ba ktah ia u babun balang (Criminal Court)

Kat kum ka Section 6 jong ka Criminal Procedure Code ngi lah ban pynbynta ia ki Ingbishar ba iadei bad ka jingbe-aifi ba ktah ia u babun balang kumne harum :-

1. Session court:-

Ka Sorkar Jylla ka lah ban buh ia ki session court ia kiba yn pyniaid da u Nongbishar ba ka thung da ka High Court. Kumjuh ruh ka High Court ka lah ban thung ia u Additional Session Judge bad Assistant Session Judge ban bishar bad leh ia kaba donkam ha kaba iadei bad ki session court. Kane ka court of session ka lah ban shong ha kano kano ka jaka ne ki jaka kat kum ka jingpeit ka High Court. Ka session court ka lah ban shong ha kano kano ka jaka ban pynsuk ia ki nongialeh mokotduma bad nongsakhi da kaba ia mynjur lang bad ki bor nongpyniaid ia ka session court.

2. First class Judicial Magistrate Court ne Second Judicial Magistrate Court:-

Ha kano kano ka District ka bym dei ka shnong bah ne sorbah (Metropolitan area) ka High Court kan thung ia u First Class Judicial Magistrate. Ia u Presiding Officer jong kane ka court yn thung da ka High Court. Kane ki Magistrate ki pyniaid

ia baroh ki kam kiba iadei bad ka Jingbishar ha kine ki Court.

3. Metropolitan Magistrate Court:-

Kat kum ka Section 3 jong ka Code of Criminal Procedure, ka Sorkar jyila ka lah ban pynlong ia kano kano ka nongbah ne sorbah kaba la don briew palat shi million ba kan don la ka jong ka Ingbishar ha kaba yn khot ne tip kum ka Metropolitan Court. Ia u Presiding Officer jong kane ka Ingbishar yn thung da ka High Court. Ia u khlieh duh jong kane ka Ingbishar yn khot ne tip kum u Chief Metropolitan Magistrate ne Additional Chief Metropolitan Magistrate bad ia ka bor jong kine ki Nongbishar ban pyndep ia ki kam kiba iadei bad ka jingbishar yn pyniaid da ki kumba la ai bor da ka High Court.

4. Executive Magistrate:-

Ha kano kano ka District ne ka nongbah Metropolitan Area), ka State government ka don bor ban thung ne buh katba ka sngewbit ia u ne ki Executive Magistrate bad ia uwei na kine ka lah ban thung kum u District Magistrate. Kumjuh ruh ka lah ban thung ne buh katba ka sngewbit ia u Additional District Magistrate ne ka lah ban pynkupbor ha u Commissioner of Police kum u Executive Magistrate hynrei baroh ki Executive Magistrate ki dei ban long hapoh ka bor u District Magistrate. Kine ki don ka bor ban bishar ne rai halor kano kano ka jingbe-aifi kaba ktah ia u babun balang (criminal offence) bad ruh ban leh ia kaba donkam kat ka bor ka jingbishar.

Public Prosecutor

Kat kum ka Section 24 jong ka Criminal Procedure Code ba na ka bynta ka jingdon kam ka High Court ka Central bad State Government ka lah ban thung da ka jingiasngewthuh jingmutlang bad ka High Court ia u Public Prosecutor ne Additional Public Prosecutor bad ka kamram u Public Prosecutor ne Additional Public Prosecutor ka long ban peit bad leh ia kaba donkam ha kaba iadei bad ka jingpynshitom, jingkyrpad (appeal) bad kiwei pat ki rai ne hukum na ka bynta ka Central bad state government.

XIX

KA HOK BAN IOH LUM JINGTIP **(RIGHT TO INFORMATION)**

Ka hok ban ioh lum jingtip (Right To Information) ia kaba la pynlong Aifi da ka Dorbar Thawaifi Lok Sabha ha ka 11 tarik u Bnai May 2005 la sdang ban pyndonkam da baroh ki Nongshong shnong ka ri India naduh ka 13.10.2005.

Ka hok ban ioh lum jintip namarkata ka long ka Hok tynrai (Fundamental Right) ia kaba la pynrung ha ka Article 19 (I) jong ka Constitution ka ri India. Kane ka hok namarkata ka ai lad ne pynioh ia ki briew ban tip kumno ka Sorkar ka trei kam, kumno ka pyndonkam hok ia ka pisa kaba dei jong u paidbah.

Kane ka Aifi ka treikam ha baroh kawei ka ri India lait noh ha ka jylla Jammu bad Kashmir.

Ka jingmut kaba iar jong kane ka Aifi ka long kumba kaba lum jingtip kam khanglad ia ki Dorbar Thawaifi la ha ka Sorkar kmie ne jylla, kane ka Aifi ka ai lad ruh ia ki Nongshongshnong ka ri ban lum ne wad jingtip.

Kane ka hok ban lum jingtip ka trei kam ym tang ia ki dkhot ka Sorkar (Organs of government) kum kaba thawaifi (Legislative), kaba pyntreikam ia ka Aifi (Executive) ne kaba bishar ne Nongbishar (Judiciary) hynrei ruh ki bym dei sorkar kum ki company, corporation bad kiwei de.

Shuh shuh kat kum ka section 22 jong ka Hok Lum Jingtip (Right to Information Act 2005), kane ka Aifi ka long halor (override, supersede) ia kiwei pat ki Aifi kum ki Official Secrets Acts. Kumta ngi lah ban sngewthuh ba ia kaei kaei kaba leh bakla na ka liang kito kiba bat ia ka bor, yn peit halor ka nongrim ka Hok Lum Jingtip.

Kine harum ki long ki hok kiba ngi lah ban ioh lyngba kane ka Hok Lum jingtip (Right to Information):-

1. Phi lah ban buh kino kino ki jingkylli na ki bor Sorkar ne wad ban lum jingtip.
2. Phi lah ban pan copy wat ia ki kot ki sla ba donkam.
3. Phi lah ban peit hi da lade ia kita ki kot ki sla.
4. Phi lah ban peit ruh ia ki kam ki jam ba pyntrei da ki bor Sorkar.
5. Phi lah ban shim ne rah nongmuna ia ki tiar ki tar kiba pyntrei

ne shna da ki bor Sorkar.

U Public Information Officer (PIO) ha kano kano ka Office Sorkar un ai ia ki jingtip kiba phi kwah. Ha ka office bym don u PIO, uno uno ne kino kino ki officer ka Department kin pdiang ia kino kino ki jingthoh jingkyrpad (Application) bad kin sa phah sha u PIO. Ia ka list (kyrteng) jong ki PIO la ha Sorkar jylla ne Sorkar kmie phi lah ban ioh lyngba ki website.

Ka bai siew dor na ka bynta ka Jingthoh jingkyrpad (application) ka long Rs. 10/- (Shiphew Tyngka) bad ka bai lum jingtip ne ai jingtip ka long Rs. 2/- (Ar tyngka) shi sla (Page) bad ka bai siew dor na ka bynta ban peit hi da lade ia ki kot ki dulir ka long Rs. 5/- (San tyngka) shi kynta.

Lada kano kano ka tnat (department) sorkar ka bym pdiang ia ka jingthoh jingkyrpad (application), lah ban shu phah da ka post da kaba mudui pyrshah sha ka State Information Commission. Lah ruh ban ioh jingtip kloi kloi ia kano kano ka jingkwah wad jingtip hapoh shi bnai ne 30 sngi.

Ha kaba iadei bad kane ka Aifn (Right to Information) don tang 11 tylli ki Subject ia kiba yn ym ai jingtip na ka liang ka sorkar ia kiba ta jer kyrteng (List) kat kum ka section 8 jong ka Act.

Lah ban mudui (File) ia ka Appeal ba nyngkong hapoh 30 (Laiphew) sngi ba phi ioh jingtip bad ia ka Appeal kaba ar hapoh 90 sngi hadien ba la appeal nyngkong.

Ia kino kino ki jingeh kiba ki briew ki ia kynduh, kum ka jingpynslem ban trei kam ia kaei kaei ba la rai da ki bor sorkar, phi lah ban wad ne lum jingtip lyngba kane ka Hok Tynrai.

Ia ki jingtip ba kham bniah ha kaba iadei ba kane ka Aifn lah ban ioh lyngba ka Bare Act. (Right to Information Act. 2005).

Ka jinglada ia ki Nongpyndonkam ia ki Mar ki Mata
(Consumer's Protection)

Ha kano kano ka jingsynshar ne imlang sahleng kaba u briew u trei u ktah, u khiih u khan bad pynbit pynbiang ia lade, u Nongbam ne uba pyndonkam ia ki mar ki mata u dei u Syiem (In a capitalist society the consumer is a king).

Kano kano ka marbam mardih ne ka tiar ka tar kaba u briew u pyndonkam ka ai jinghun (fetches utility) bad kane ka jinghun ka pynlong ban kwah ne dawa ban ioh ia ki (demand for goods). Ki nongpynmih ia ka mar bam mar dih ne ka tiar ka tar (Supplier of goods) ki wallam ha ki iew ki hat ban die ia ki. Hangno ban ia mir jingmut lang hapdeng u nongpyndonkam bad nongpynmih ia ka mar bam mar dih ne ka tiar ka tar dei ka dor ka mur kaba trei kam.

Kumba la pynpaw ha i ktien khmat, ka jingbam kaba ngi pyndonkam ka lah ban long ka jingma ia ka jingim lada ki Nongpynmih ne Nongdie ki pyniaid ia ki mar thok bad shukor. Kumta hapoh ka Aifi ki paidbah ki don ka hok ban iada ia lade na ki jingma ka jingim.

Kumta ka sorkar India ka la pynmih kawei ka Aifi kaba la ai kyrteng 'The Consumer Protection Act 1986' ban pynkynmaw ia ki paidbah ba ki don ki hok (rights) ba la pynkhamti da ka Aifi bad ban iada na ki jingma ka jingim. Kane ka Act ka trei kam ha baroh kawei ka ri India lait noh ha ka jylla Jammu bad Kashmir.

To ngin ia peit khyndiat ia kane ka Aifi (The Consumer Protection Act 1986) tang kum ka lad wad jingtip.

Ka Consumer Protection Act 1986 kaba la pynmih da ka Sorkar India ka pynioh ia ki nongshong shnong ka ri India ia kine harum:-

1. Ban iada ia ki Nongbam, Nongpyndonkam ia ki mar bad tiar ba la sniew kaba lah ban wallam ia ka jingma ha ka jingim u briew.

2. Ban thung ia ki Consumer Council bad ia kiwei pat ki bor ban peit ia ka jingud jingnam jong ki nogbam, nongpyndonkam ia ki mar bad tiar.

3. Ban pynduh ne khanglad.

(i) Ban khaii ia ki marbam mardih ne ki tiar ki tar kaba lah ban wallam ia ka jingma ha ka jingim u briew.

(ii) Ban pyntip lada don kano kano ka jinghiar dor ha ka jinglong jingkhuid, jingbha ne ki jingkieu dor ki mar ki mata.

(iii) Ban ud ne ujur na ka bynta ki nongbam ne nongpyndonkam ia ki marbam mardih ne ki tiar ki tar ha ki jingialang ne forum.

(iv) Ban pynbeit ia kiei kiei kiba long pyrshah ia ka jingshemphang jong ki nongbam nongpyndonkam ia ki mar bam mar dih ne ki, tiar ki tar.

(v) Ban ai jinghikai ia ki nongbam, nongpyndonkam ia ki mar bam mar dih ne ki tiar kitar.

Ha kaba iadei bad ka Consumer Protection Act 1986 kine harum ki long kiba donkam ban sngewthuh:-

1. Dei ban don ka 'Appropriate Laboratory' ia kaba yn seng da ka sorkar pdeng (Central Government) ne Sorkar jylla (State Government) ban tynjuh ne ban peit ba ki tiar ki tar la ki long shisha kiba bha bad bym don jingduna.

2. U Nongbam ne Nongpyndonkam (Consumer), ka mut u briew uba:-

(i) Thied ia kano kano ka tiar ne marbam mardih kaba u da siew dep ne kular ban siew shiteng ia ka dor jong ka.

(ii) Uba wad ne pyndonkam ia kano kano ka jingshakri kaba hap siew dep, ne kular ban siew dep ne siew shiteng shiliang na ka jingshakri ba ai kum ki Bank, Insurance Company, Ki Board ba ai ding Electrict, ki Airlines, ki Hotel bad kiwei de.

3. U nongpynmih (Manufacturer) u dei u briew uba:-

(i) Shna ne pynmih kano kano ka tiar ne bynta.

(ii) U bym shna ne pynmih kano kano ka tiar hynrei uba pyndei ne pyniasoh ia kiba la shna ne pynmih da kiwei pat.

(iii) Uba ai dak ne thoh dak ha ka kyrteng la jong ba la pynmih ne shna da kawei pat.

4. Nongkhaii (Trader)- Ha kaba iadei bad ki tiar ki tar u long uba die bad sam ia kino kino ki tiar kynthup ia u nongpynmih bad lada kita ki tiar ki tar ki long ba la die ne sam ha ki packet, ka ktien nongkhaii ka kynthup ia u ruh.

5. Ka jingkhaii bymdei:- Ka mut bad kynthup ia kine ki rukom leh:-

(i) Ka jinglehtuh kaba pyni ba ki tiar ki tar kiba pyndonkam ne tyrwa die ki long kiba bha, kiba biang ka jingthew, bad kiba ia syriem dur.

(ii) Ka jingleh tuh ha kaba ai jingshakri ka bymhun bymbiang.

(iii) Ka jingleh tuh ha kaba shu pynbha ne pynitynnad ia ki mar ba la sniew ne shna biang.

(iv) Ka jingleh tuh ban ong ba ki tiar ki tar ne jingshakri ka long kaba biang.

(v) Ka jingpyndonkam bakla ia kino kino ki tiar ban pyni ba ki long kiba myntoi.

6. Ba dei ban don ki Jingialang ban iada ia ki nongbam nongdih ne nong pyndonkam ia ki mar ki mata (Consumer Protection Council) kum kine harum:-

(i) Ka Central Consumer Protection Council.

(ii) Ka State Consumer Protection Council.

(iv) Ka District Consumer Protection Council.

7. Ba dei ban don ki bor ki ban iarap ia ka jingud jingnam ban iada ia ki nongbam nongdih ne nongpyndonkam ia ki mar ki matta (Consumer Disputes and Redressal Agencies) da kaba buh ia kine harum.

(i) Central Forum

(ii) State Forum

(iii) District Forum

8. Ban bishar ne tuklar halor kino kino ki jingujor (Hearing of Appeals).

Kumta ia kine baroh la thoh shai bad batai ha kane ka Act (The Consumer Protection Act 1986) khnang ba ki nongbam ne nongpyndonkam ia ki mar ki mata ki lah ban ioh jingshai ha ki jingeh kiba ki ia kynduh.

Ia ki jingtip ba kham bniah ha kaba iadei bad kane ka Aifl lah ban ioh lyngba ka Barè Act (Consumer protection Act 1986) bad da kaba peit ia ka Ammendment Act 2001.

XVII

Ki Jaid jingbe-aif u briew kiba iadei bad u babun balang
(Kinds of criminal offence)

Don bun jaid id jingbe-aif u briew kiba iadei bad u babun balang la kaba ngin pyntang ban angyethu da kaba kdwew ruh la id section bad jingpynishom kat kum ka Indian Penal Code.

1. Ka jingbe-aif kaba iadei bad ka met u briew (human body) la kaba ym shim tano la kaba khem ia lona.

Kane ka jingbe-aif ka kyntshup la kine harum.

(i) Ka jinglen kaba shohnoh ne pyntap briew (Culpable Homicide)

(ii) Ka jingpyntap briew (Murder)

(iii) Ka jingpynynasaw la ki kthuntung bym pat kha (Injury to unborn children)

(iv) Ka jingpynynasaw briew (Riots)

(v) Ka jingthampad ne jingpyntap be bakia (Wrongful restraint)

(vi) Ka jingsektu ba bakia (Wrongful confinement)

(vii) Ka jingsh bor (Assault)

(viii) Ka jingrah kuh briew (Kidnapping)

(ix) Ka jingrah ne idemtuh (Abduction)

Jingbeal	Niles	Section	Jingpynishom bad section
1. Ka jingrah ba ialem sha kaba shohnoh ne pyntap briew (Culpable Homicide) Uno uru ude leh la kano kano ka kum da ka jingthimu ben pyntap lona da ka jingthimu ben pyntapynasaw la ka met kaba lam sha ka ben lep lona da kaba lip shina ba kaba ka jingrah long u ban walam ne pyntap ben lep. u la leh be-aif bad la kaba ka jingrah be-aif ki ong ka jinglen kaba ialem sha kaba shohnoh ne pyntap briew (Culpable Homicide)	U A u lip be u Z u don ha ka lawonlap u B um lip la kaba. U A da kaba thimu ben pyntap ne da kaba lip thina be u Z un lep, u pynbor la u B ben siet shapoh lawonlap. U B u siet shapoh lawonlap bad u Z u kyon lep. U B u leh ben ym shoh kymoch be-aif, hynet u A u la leh la ka kum be-aif ha kaba u pyntap la u Z bad kumla u A u la leh la ka kum shohnoh ne pyntap briew	Kane ka jaid jingbe-aif ka hep ha ka section 298 long ka Indian Penal code	Kat kum ka section 304 long ka IPC uno uru ude leh la ka kum kaba ialem sha kaba shohnoh ne pyntap briew (Culpable Homicide) ym pyntapynasaw da kaba set bynd la u kumbe 10 anem bad un hep ben shew la ka kum.
2. Ka jingpynasaw briew (Riots) Uno uru sha pyntapynasaw la u briew bea lep da kaba kaba pyntapynasaw bad kaba ka kum pyntapynasaw ka long bakt ka u shew u lep. ki ong ka jingpyntapynasaw (Riots)	U A da kaba thimu ne mut u pom da ka wail ne bad pyntapynasaw da u dierg ben pyntap la u Z bad u lep. u A nameraleu u la leh la ka kum pyntap briew.	Kane ka jaid jingbe-aif ka hep ha ka section 300 long ka Indian Penal Code	Kat kum ka section 302 uno uru ude leh la kum shew u briew. sha pyntap briew ym pyntapynasaw da kaba pyntap la u ne set phakid la u shapoh ka jingrah bad un hep ben shew la kum.

[illegible]

Jingbatal	Nukisa	Section	Jingpynshikom bad Section
<p>Ka jingbatal ba baidia (Wrongful Confinement)</p> <p>Uno uno da kaba bakia u set kut ne khenglad la uwei pat ha ka rukom ban yn shah sa u ban la shano shano la ong ba u leh ka kam be-ah ha kaba set kut sa u brew (Wrongful Confinement)</p> <p>Ka jingbatal ba baidia (Wrongful Confinement)</p> <p>Uno uno uwei pyni ki rukom leh, lene uba la pynkroh tpa ne uba la tip tpa ba kaba ka jingleh ne jingpynshikom jong u ka long ban leh kuno kano ka kam eniew da ka bor, ka jong ba u la leh sa ka kam jingbatal kaba long ka kam be-ah</p> <p>Ka jingbatal ba baidia (Wrongful Confinement)</p> <p>Kat kum ka section 369 jong ka Indian Penal Code ka jingpynshikom brew ka long ar rukom -</p> <p>(a) Ka jingbatal brew ne had ri kum na ri India.</p> <p>(b) Ka jingbatal brew na ka jingpynshikom da del rok (Legal guardianship)</p> <p>Uno uno uba rah tuh sa u brew shabar u pud ka ri khien ka jingpynshikom jong u ne na ka jingpynshikom da del rok (Legal guardianship) khien ka jingpynshikom yn theih ne shaw sa u be u la be-ah ha kaba u rah tuh brew (detaining)</p> <p>Uno uno uba rah, shem ne leh kuno kano ka jingleh ban jeh ne shaw kano kano uba hach 18 shem lada del u shaw kano kano hach 18 shem lada del ka jingbatal, kano uno uno uba shaw ka jingbatal ka jingpynshikom (detaining) kano ka kano jingpynshikom ka da</p>	<p>U A u pynlong sa u Z be un leh tyngha ka juka ker kymroh haduh ba u Z um laut shuh ban laud ha kaba ka jingpynshikom u A namer kaba u la leh kaba be-ah</p> <p>U A u khren ban pynkhat da u ksew ban pynlong sa u Z ban tip bad shengwuh ba uba u ksew un sa kymroh sa u, A namer kaba u la leh sa ka kam be-ah</p> <p>U A u rah tuh brew sa u Z na ka ri India ne na ka jingpynshikom kaba del rok (Legal guardianship) khien ka jingpynshikom jong u, ka be-ah</p> <p>U A u rah tuh sa u Z uba hach 18 shem ne ka X kaba hach 18 shem ne uno uno u brew u bym bat ka jingpynshikom pynkhat khien ka jingpynshikom jong u ne ki nongri nongpynshikom u la leh be-ah</p>	<p>Kane ka jad jingbe-ah ka hap ha ka section 360 jong ka Indian Penal Code</p> <p>Kane ka jad jingbe-ah ka hap ha ka section 361 jong ka Indian Penal Code</p> <p>Kane ka jad jingbe-ah ka hap ha ka section 360 jong ka Indian Penal Code</p> <p>Kane ka Jad be-ah ka hap ha ka section 361 jong ka Indian Penal Code</p>	<p>Kat kum ka section 342 jong ka I P C uno uno uba set kut la uwei pat ha ka rukom kum kaba ker kymroh un hap ha ka jingpynshikom da kaba shah set byndi kumba 1 shem, lene un hap sew sa ka kuno Rs 1000/- lene un hap ha beroh ar ka jingpynshikom</p> <p>Kat kum ka section 362 jong ka I P C uno uno uba leh bor la uwei pat ha kane ka rukom un hap ha ka jingpynshikom da kaba shah set 3 shem na un hap sew sa ka kuno ne hap ha beroh ar ka jingpynshikom.</p> <p>Kat kum ka section 363 jong ka I P C uno uno uba rah tuh brew na ri India ne na ka jingpynshikom jong uba kaba del rok (Legal guardian) un hap ha ka jingpynshikom da kaba shah set byndi kumba 7 shem bad un hap sew sa ka kuno.</p>

Jingbatol	Nutaa	Section	Jingpynshitom bad Section
hok (legal guardianship) u la leh be-aiñ rahtuh brierw (kid-napping)	U A da kaba pynibor ne da ka rukom leh thok u ialam la u Z na kawei ka jaka shawei pat u la leh ia ka kam be-aiñ	Kane ka jaid jingbe-aiñ ka hap ha ka section 362 jong ka Indian penal Code	Kat kum ka section 363 jong ka I.P.C uno uno uba leh ia kane ka kam be-aiñ un hap ha ka jingpynshitom da kaba shah set byndi 10 snem bad un hap ban siew ka kuna

Kiwei pat ki jingbe-aiñ kiba ia dei bad ka met u brierw ki long kine harum:-

- (x) Kaba die ne thied khymnah na ka bynta ka jingleh nuti (Selling and Buying of a minor for prostitution). - Section 372 jong ka Indian Penal Code.
- (xi) Ka jingpynitrei da kaba leh bor ka long be-aiñ. (Unlawful compulsory labour). - Section 374 jong ka Indian Penal Code.
- (xii) Ka Jingbatbor ne leh bor (Rape) - Section 375 jong ka Indian Penal Code.

Inggris	Melayu	Section	Jerayabatun had Section
(a) <u>Ka jingbat dalah (theft)</u> Haba san ngat ne jait san ngat lebihi bisi anah id lang ban lehi ne pyntang ban leh ia ka kam be-ah jang ka jingbat (robbery) tane haba kano kano ka pyntang anah ia leh ne pyntang ban leh ia ka kam be-ah jang ka jingbat (robbery) had lang id anah id lang ne ki is don lang ne lang lang jait san ngat, uwei pa uwei uwei hapah kano ka pyntang kano ka leh ia ka kam kano (robbery) is ang ba u leh ia ka kam jingbat dalah (theft).	Ban ai nussa halor kane ka jingbe- ah ka long kaba eh, ka shong eh ka jingbe ba ledel bad kane ka jait jingbe-ah.	Kane ka jait jingbe-ah ka hap ha ka Section 392 jang ka Indian Penal Code.	Kat kum ka section 392 jang ka I.P.C. uwei- uwei leh ia ka kam jait dalah (theft) u hap ha ka jingpyntang jang ka jingbat had bynd ahnyar jang kane ka ka jingbat had bynd kaba pyntang kane had 20 anem had un hap ban eler ka kane.
(b) <u>Ka jingbat byn dal hok (Criminal trespass)</u> Uwo uwo uwa rung ne don hapang ka jingbat jingbat (Property) jang uwei pat da ka jingbat, ban leh ia kano kano ka kam be-ah jang ban pyntang. pyntang barum, pyntang ne uwo uwa leh ser ban rung ne don hapang ka jingbat jingbat (Property) jang uwei pat da ka jingbat ban pyntang, pyntang barum ne pyntang ne leh ia kano kano ka kam be-ah, jang ka jingbat byn hok (Crim- inal Trespass).	Ban ai nussa halor kane ka jingbe- ah ka long kaba eh, ka shong eh ka jingbe ba ledel bad kane ka jait jingbe-ah	Kane ka jait jingbe-ah ka hap ha ka Section 441 jang ka Indian Penal Code.	Kat kum ka section 441 jang ka I.P.C. uwo uwei leh ia ka kam be-ah jang ka jingbat byn hok (Criminal Trespass) un hap ha jingbat da kaba shah set bynd kane 3 trial eler ia kane is ia kane ne hap ha berah ar ti jingpyntang.
(c) <u>Ka jingbat byn hok (Crim- inal Trespass)</u> ka lah ban long kurne harun:-	(i) - Kurnjuh - (ii) - Kurnjuh - (iii) - Kurnjuh -	Kane ki jait jingbe-ah ki hap ha kane ka Section jang ka Indian Penal Code. (i) Section 442 (ii) Section 443 (iii) Section 444	Kat kum ka Section 442 jang ka I.P.C. (i) Uwo uwo uwa dalah byndel hok hapah hap (House Trespass) un hap shah set bynd kane 1 anem ne eler ka kane ne hap ha berah ar ti jait pyntang. (ii) Uwo uwo uwa dalah byndel hok hapah hap (House Trespass) un hap shah set bynd kane 1 anem ne eler ka kane ne hap ha berah ar ti jait pyntang. (iii) Uwo uwo uwa dalah byndel hok hapah hap (House Trespass) un hap shah set bynd kane 1 anem ne eler ka kane ne hap ha berah ar ti jait pyntang.
(d) <u>Kaba dalah byndel hok hapah ing (House trespass)</u> Kaba apah apah hapah ing (Lurting House Trespass)			Kat kum ka Section 453 jang ka I.P.C.
(e) <u>Kaba apah apah hapah ing mynmet (Lurting house trespass by night)</u>			Kat kum ka Section 453 jang ka I.P.C.

Jingbatal	Nutsa	Section	Jingpynshittom bad Section
(iv) Kaba pynpait pynpra ia ka ling (House Breaking)	(iv) - Kumjuh -	(iv) Section 445	(iv) Uba pynpait pynpra ia ka ling (house breaking)
(v) Kaba pynpait pynpra ia ka ling mynmiet (house Breaking by night)	(v) - Kumjuh -	(v) Section 446	(v) Uba pynpait pynpra ia ka ling mynmiet (house break- ing by night) un hap shah set byndi kumba 2 snem bad un hap siew ka kuna.

Kiwei pat ki jaid jingbe-aiñ kiba iadei bad ka jingdon jingkam (Property) u biew ki ong:-

- | | | |
|--------|---|----------------------------|
| (vi) | Ka jingshim ia ka jingdon jingkam (Property) ba la shah tuh | Section 410 jong ka I.P.C. |
| (vii) | Kaba leh tuh (Cheating) | Section 415 jong ka I.P.C. |
| (viii) | Ki kam leh thok (fraudulent Deeds) | Section 421 jong ka I.P.C. |
| (ix) | Ka jingpynsniew jingpynduh (mischief) | Section 425 jong ka I.P.C. |

Jingchhi	Moksa	Section	Jingyemhion had Section
<p>(iv) Da kaba pyin bor la uno ben stam ne loh ben aham la kano kano ka jingden jingden (Property) ben pynduh lae la u ha kaba leh kimen ha kaba ka jingden jingden (Property) jong u.</p> <p>(v) Da kaba pyin bor bad pyinbor la u ben ben leh be-ah ne ben khang had la u be un leh kimen ha kabi kabi kaba dei hok jong u.</p>	<p>Ban ai nuksa la kane ka long kaba eh, ka shong ha ka jingjia ba iadei bad kane ka jaid jingbe-ah.</p>	<p>Kane ka jaid jingbe-ah ka hap ha ka Section 146 jong ka Indian Penal Code</p>	<p>Kat kum ka Section 147 jong ka LPC uno uno aha seah kaba ha kano kano ha jingchhi wafchong ya pynduh la u an kaba u chih ut (practi kumbe 2 anem ne aha ka kane ne hap ha berch ar id jingyemhion.</p>
<p>2) Ka jingchhi wih (Fiding) Ka jingchhihor jong ka jingchhihor lyinhan ka jaid pynduh ahi (Unlawful Assembly) ka pyin bor ne leh khor kane da-awara u dhot jong ka, ben pyinhan la ka jingchhihor jong ka jingchhihor lyinhan la cog ka kaba ka lyinhan ne u dhot jong ka u la leh la ka kam be-ah jong ka jingchhihor wih (Fiding).</p>	<p>Kumda kaba ka jingchhihor lyinhan ka jong pynduh ahi (Unlawful Assembly) ka pyin bor ne leh khor kane da-awara u dhot jong ka, ben pyinhan la ka jingchhihor jong ka jingchhihor lyinhan la cog ka kaba ka lyinhan ne u dhot jong ka u la leh la ka kam be-ah jong ka jingchhihor wih (Fiding).</p>	<p>Kane ka jaid jingbe-ah ka hap ha ka Section 139 jong ka Indian Penal Code</p>	<p>Kat kum ka Section 140 jong ka LPC uno uno aha leh la ka kam be-ah jong ka jingchhihor lyinhan un hap ha ka jingyemhion da kaba aha aha phadok kumbe aha aha ne un hap kum aha ka kane ka 144- ne hap ha berch ar id jingyemhion.</p>
<p>3) Ka jingchhihor lyinhan (Mifray) Haba jingchhihor ne ben ngut id kagich lyinhan ka jaid pynduh had kaba ha jingchhihor lyinhan ka da pynduh la ka jingchhihor lyinhan ne u kaban belang kagich lyinhan ne u kaban belang kagich lyinhan ka jaid pynduh had kaba ha jingchhihor lyinhan (Mifray).</p>	<p>- Kumjeh -</p>		

(5) Ki jingbe-ah ki ba iadei bad ka jingialeh Election
(Offences against Election)

Jingialeh	Nutasa	Section	Jingpynshithom bad Section
<p>(1) Uno uno</p> <p>(i) uba ai kano kano ka jingpynshithom ki unai pat de ka jingpynshithom ben pyinbor is u ne la unai pat ben pyindep la ka hok tum u nangthep vote lano ben ai baithong ba u la leh is kaba ka kane</p> <p>(ii) uba pillang la kaba ka jingpynshithom ba leh ki ne na la bynta unai pat tum ka baithong ba u leh ban pyindep la kaba ka hok taba dei tum u nangthep vote lano u pyinshang ben pyinbor la unai pat ben pyindep la ka hok tum u nangthep vote la cog ba u la leh is ka tum be-ah jang ka jingpynshithom (Bibber?) ba la election.</p> <p>(2) Uno uno uba de ka mon engewbia u tudar ne pyinshang ben tudar la ka hok ka jingthep vote jangpyn jangpyn u la leh is ka tum be-ah jang ka jingpynshithom byndei ha ka Election bad kaba ka cog.</p> <p>(3) De kaba pyinshang is u Candidate ne Voter ne uno u u brief uba dion ka jingialeh bad u Candidate ne Voter ne</p> <p>(4) Uba pyinbor ne pyinshang ben pyinbor is u Candidate ne Voter ne uno uno u brief uba dion ka jingialeh bad u Candidate ne Voter e la leh is ka tum be-ah jang ka jingpynshithom byndei ha ka Election.</p>	<p>Ben ai nutasa ha kaba iadei bad kane ka jingbe-ah ka long kaba eh, la shong ha ka jingla ba iadei bad kane ka jingbe-ah.</p> <p>- Kumjuh -</p>	<p>Kane ka jad jingbe-ah ka hap ha ka Section 171(B) jang ka Indian Penal Code.</p> <p>Kane ka jad jingbe-ah ka hap ha ka Section 171(C) jang ka Indian Penal Code.</p>	<p>Kal lum ka Section 171(B) jang ka I.P.C uno uno uba leh is kane ka kam be-ah un hap ha ka jingpynshithom jang ka jingthah set byndi kumba 1 snom ne siew ka kune ne hap ha baroh ar ki jingpynshithom.</p> <p>Kal lum ka Section 171(E) jang ka I.P.C uno uno uba leh is kane ka jad jingbe-ah un hap ha ka jingpynshithom de kaba shah set byndi shien ne siew ka kune ne hap ha baroh ar ki jingpynshithom.</p>

Jingbatal	Mutea	Section	Jingpynshitom bad Section
<p>(3) Uno uno ha ka jingialeh Election u pyrshang ban pyrshich ia kano kano ka kot kaba iadel bad ka jingthep vote ha ka kyrtang uwei pat la uba dang im ne iap ne ha kano kano ka kyrtang thok lane haba u la dep thep vote shisien u pyrshang ban pyrshich ia kano kano ka kot kaba iadel bad ka jingthep vote ha ka kyrtang la jong bad uno uno uba ia snoh ki lang ban-leh kumba la ong ba u la leh ia ka kam be-aiñ jong ka <u>jingdeh thok para briew (impersonation)</u> ha ka election.</p>	<p>- Kurnjuh -</p>	<p>Kane ka jaid jingbe-aiñ ka hap ha ka <u>Section 171(D)</u> jong ka Indian Penal Code.</p>	<p>Kat kum ka Section 171(F) jong ka I.P.C uno uno uba leh ia kane ka kam be-aiñ un hap ha ka jingpynshitom jong ka jingshah set byndil kumba 1 snem ne siew ka kura ne hap ha barch ar ki jingpynshitom.</p>

Jingbe-ah	Nabon	Section	Jingpyasaiton bad Nabon
<p>(1) Uno uno ube leh ia u dawel ne ha kano kano ka jingbe-ah bad ha kade ka dawel ban pyroonkam u u u dawel ne jingbe-ah dawel ne pyroonkam ia u u u dawel ne ka jingbe-ah dawel kaba lah ban pyroonkam ne pyroonkam da ka jingbe-ah ban da ne pyroonkam kam ka ban pyroonkam ka thien, u ka lah ia ka kam ka-ah kang ka jingbe-ah ia ka jingbe-ah jingbe-ah bad dawel.</p> <p>Ka jingpyasaiton ia ka um (Fouling Water)</p>	<p>- Kumjuh -</p>	<p>Kane ka jaid jingbe-ah ka hap ha ka Section 274 jong ka Indian Penal Code.</p>	<p>Kat kam ka Section 274 jong ka IPC uno uno ube leh ia kano ka jaid jingbe-ah un hap ha ka jingbe-ah set bynd kumba 3 bwal ne hap siaw ka kano Rs. 500/- ne hap ha baroh ar ka jingpyasaiton.</p>
<p>(1) Uno uno ube leh da ka mon sapasaba u sapasaba ne pyroonkam ia ka um ka pyroonkam u badon badon ia ka sapasaba ne pang ne top un kuma bad jingbe-ah ia kade ka um kaba anaw ban pyroonkam ne diu u ka lah ia ka kano ka-ah jing ka jingpyasaiton ia ka um.</p>	<p>- Kumjuh -</p>	<p>Kane ka jaid jingbe-ah ka hap ha ka Section 277 jong ka Indian Penal Code.</p>	<p>Kat kam ka Section 277 jong ka IPC uno uno ube leh ia kano ka jaid jingbe-ah un hap ha ka jingbe-ah set bynd kumba 3 bwal ne hap siaw ka kano Rs. 500/- ne hap ha baroh ar ka jingpyasaiton.</p>

(7) Ki jingbe-ah kiba ktah ia ka Nam ka Burom u briew:-
(Offences affecting Reputation)

U briew u donkam ka jinglada ia ka nam, ka burom, ka kyrdan, ka long nyinieng bad jinglong babha kumba u loh ia ka hok ban leh kmen halor ka jingdon jingam, ka jingkoit jingkhian, ka jingseilud bad kweil da ka hok bad kaba. Kine ki long ki jinglong babha bad ba donburom ia kiba dei ban iada ha kano kano ka bawling sahleng kaba ia ehal.

Ingpynbuthnam	Ingpynbuthnam	Ingpynbuthnam	Ingpynbuthnam
<p>Ka Ingpynbuthnam (Denamaton)</p> <p>(i) Uno uno da kaba thoh ne kren ne da kaba thoh ban pule ne da kano kano ka rukom leh ne aidak, u pyinkit ne pyndei da ka ingpynbuthnam kano kano, la ong ba u la leh ia ka kam be-aiñ jong ka ingpynbuthnam.</p> <p>(ii) Uno uno da kaba thoh ne oh dur halor kano kano ka met ynrai ban pyndnam kano kano la ong ba u la leh ia ka kam be-aiñ jong ka ingpynbuthnam.</p> <p>(iii) Uno uno da kaba die ne ynrai da la kano kano ka met ynrai ban pyndnam kano kano la ong ba u la leh ia ka kam be-aiñ jong ka ingpynbuthnam.</p>	<p>Ban ai nuksa halor kane ka jingbe-aiñ ka shong eh ha ka jingbe-aiñ ba iadei bad kane be-aiñ jingbe-aiñ</p>	<p>Kane ka jaid jingbe-aiñ ka hap ha ka Section 499 jong ka Indian Penal Code.</p>	<p>Kat lum ka Section 500 jong ka I.P.C. uno uno uba leh ia kane ka jingbe-aiñ un hap ha ka jingbe-aiñ set bynd kumba 2 anem ne siew ka kune ne hap ha baroh ar ka ingpynbuthnam.</p>
	<p>Kane ka jaid jingbe-aiñ ka hap ha ka Section 501 jong ka Indian Penal Code.</p>	<p>Kane ka jaid jingbe-aiñ ka hap ha ka Section 502 jong ka Indian Penal Code.</p>	<p>Kat lum ka Section 501 jong ka I.P.C. uno uno uba leh ia kane ka jingbe-aiñ un hap ha ka jingbe-aiñ set bynd kumba 2 anem ne siew ka kune ne hap ha baroh ar ka ingpynbuthnam.</p>
	<p>Kane ka jaid jingbe-aiñ ka hap ha ka Section 502 jong ka Indian Penal Code.</p>	<p>Kane ka jaid jingbe-aiñ ka hap ha ka Section 502 jong ka Indian Penal Code.</p>	<p>Kat lum ka Section 502 jong ka I.P.C. uno uno uba leh ia kane ka jingbe-aiñ un hap ha ka jingbe-aiñ set bynd kumba 2 anem ne siew ka kune ne hap ha baroh ar ka ingpynbuthnam.</p>

Nalor kine ki jaid jingbe-aiñ kiba kham long ne jia, kine harum ki long kwei pat ki jaid jingbe-aiñ u braw:-

1. Ka jingbe-aiñ pyrshah ia ka Sortar - Section 121-123 I.P.C
2. Ka jingbe-aiñ kaba krah ia ka Nam ka Burom u Braw - Section 499 I.P.C



**PRINTED AT : Mel-Gor Printer, Synod Complex, Mawkhar, Shillong,
Room No. 29**